

**STATE OF NEW HAMPSHIRE**  
**SITE EVALUATION COMMITTEE**

**October 16, 2018 - 9:00 a.m.**  
 49 Donovan Street  
 Concord, New Hampshire

**DAY 10**  
**Morning Session ONLY**

*{Electronically filed with SEC 10-26-18}*

**IN RE:       SEC DOCKET NO. 2015-04**  
**Application of Public**  
**Service of New Hampshire**  
**d/b/a Eversource**  
**Energy for Certificate**  
**of Site and Facility**  
**(Adjudication Hearing)**

**PRESENT FOR SUBCOMMITTEE/SITE EVALUATION COMMITTEE:**

<b>Patricia Weathersby</b> <i>(Presiding Officer)</i>	Public Member
<b>David Shulock</b>	Public Utilities Comm.
<b>Dir. Elizabeth Muzzey</b>	Div. of Hist. Resources
<b>Charles Schmidt, Admin.</b>	Dept. of Transportation
<b>Dir. Christopher Way</b>	Div. of Economic Dev.
<b>Michael Fitzgerald</b>	Dept. of Env. Services
<b>Susan Duprey</b>	Public Member

**ALSO PRESENT FOR THE SEC:**

Michael J. Iacopino, Esq.       Counsel for SEC  
*(Brennan, Lenehan, Iacopino & Hickey)*

Pamela G. Monroe, SEC Administrator

*(No Appearances Taken)*

**COURT REPORTER: Cynthia Foster, LCR No. 14**

**I N D E X**

<b>WITNESS</b>	<b>CHERILYN WIDELL</b>	<b>PAGE NO.</b>
Direct Examination by Mr. Needleman		4
Cross-Examination by Mr. Patch		6
Cross-Examination by Ms. Boepple		29
Cross-Examination by Ms. Mackie		58
Cross-Examination by Ms. Frink		101

**E X H I B I T S**

<b>EXHIBIT ID</b>	<b>D E S C R I P T I O N</b>	<b>PAGE NO.</b>
NEW-Ex. 16	36 Code of Federal Regulations Appendix A to Part 61 - Professional Qualification Standards	31
NEW-Ex. 18	July 26, 2018, Eversource letter to Newington re: Potential Impacts on Stone Walls	37

**P R O C E E D I N G S****(Hearing resumed at 9:00 a.m.)**

PRESIDING OFFICER WEATHERSBY: Good morning, all. Welcome back to the hearings for the Seacoast Reliability Project. If we could swear in the witness, please?

(Whereupon, **Cherilyn Widell** was duly sworn by the Court Reporter.)

PRESIDING OFFICER WEATHERSBY: Mr. Needleman.

MR. NEEDLEMAN: Thank you.

**CHERILYN WIDELL, SWORN****DIRECT EXAMINATION****BY MR. NEEDLEMAN:**

Q Ms. Widell, could you please state your name for the record and where you work?

A Cherilyn Ellen Widell, and I am the principal for Widell Preservation Services in 105 North Water Street, Chestertown, Maryland.

Q And you have in front of you three pieces of testimony. The first one has been marked as Applicant's Exhibit 19. It's dated April 12th, 2016, and that is your original Prefiled Testimony.

1           Next you have Applicant's Exhibit 76.  
2           That's dated March 29th, 2017. Your Amended  
3           Prefiled Testimony.

4           And finally, Applicant's 143 which is dated  
5           July 27th, 2018, and that is your Supplemental  
6           Prefiled Testimony. Do you have all of those in  
7           front of you?

8           A     Yes, I do.

9           Q     Do you have any changes or corrections to any of  
10          those pieces of testimony?

11          A     Yes, I do.

12          Q     Okay. Could you focus on specifically which  
13          exhibit you're talking about and then page  
14          number and the line of the correction?

15          A     In Exhibit 19, page 6, line 12, it should read  
16          197 historic resources.

17          Q     Any others?

18          A     Yes. In the Supplemental Prefiled, Exhibit 143,  
19          page 4, lines 23 and 24. Delete "and provide up  
20          to \$5,000 in funding" to the end of the  
21          sentence. It should read the entire history,  
22          prepare a booklet on the Town of Newington's  
23          agricultural history for the public.

24          Q     Any others?

1 A Yes. Page 7, line 9, change Attachment B to A.

2 Q Any others?

3 A No.

4 Q Okay. Subject to those changes, do you adopt  
5 this testimony and swear to it today?

6 A Yes.

7 Q Thank you.

8 MR. NEEDLEMAN: All set, Madam Chair.

9 A There is one major change, too, which is not  
10 individual changes and that is wherever it  
11 states a Draft Final MOU and a Draft Final MOA  
12 should be changed to a signed Memorandum of  
13 Understanding and a signed Memorandum of  
14 Agreement.

15 Q Okay. But at the time you submitted the  
16 testimony on those dates, they were drafts,  
17 correct?

18 A That's correct.

19 Q Okay. Thank you.

20 PRESIDING OFFICER WEATHERSBY: Thank you.  
21 First cross-examiner will be Attorney Patch with  
22 Town of Durham, UNH.

23 **CROSS-EXAMINATION**

24 **BY MR. PATCH:**

1 Q Good morning.

2 A Good morning.

3 Q My name is Doug Patch. I am counsel to the Town  
4 of Durham and University of New Hampshire.

5 Are you familiar with the definition of  
6 historic sites in the SEC rules?

7 A Yes.

8 Q I'm going to put it up here on the screen. And  
9 that definition sites to the statute and then  
10 actually quotes from the statute, and I've  
11 highlighted the portion of it that I wanted to  
12 ask you about where it says any building,  
13 structure, object, district, area or site that  
14 is significant in the history, architecture,  
15 archeology or culture of its communities. And  
16 did I read that correctly? I left out a few  
17 words because I want to focus on what you've  
18 underlined.

19 A I would just state it's communities or the  
20 nation.

21 Q Right. Those are the words I left out.

22 To find out with any of these items are  
23 significant in a community, shouldn't part of  
24 that analysis involve talking with people in the

1 community, particularly those who value historic  
2 sites and resources like a local Historic  
3 Association?

4 A It may or it may not, depending on the work that  
5 you are doing.

6 Q You didn't do that in this case, did you?

7 A No.

8 Q I'm looking at Counsel for the Public Exhibit 5,  
9 page 2, and this is their witness O'Donnell, and  
10 I'm going to put this up on the screen.

11 This is where she said that the Applicant's  
12 report follows rigid adherence to National  
13 Register listing and eligibility, but there is a  
14 broader definition of historic sites expressed  
15 in New Hampshire legislation which the Applicant  
16 has ignored.

17 Did I read that correctly?

18 A Yes. That's what it says.

19 Q And then over on page 3, she says a pervasive  
20 historic resource, historic stone walls along  
21 the roadsides and marking property boundaries  
22 are only mentioned lacking purposeful inclusion  
23 and failing to be addressed in terms of  
24 potential Project impacts from direct

1 disturbance.

2 Did I read that correctly?

3 A Yes. That's what it says.

4 Q And then in her Supplemental Testimony, which is  
5 CFP Exhibit 6, page 2, she noted that the Durham  
6 Historic Association provided historic resources  
7 testimony on July 31 of 2017, and she said that  
8 testimony called into question the windshield  
9 survey technique used by the Applicant to  
10 identify historic resources in Durham by  
11 enumerating a series of historic resources that  
12 occur within the Project corridor and adjacent  
13 to it that were not identified by the Applicant.

14 Did I read that correctly?

15 A Yes. That's what it says.

16 Q Are you familiar with the letter that Mark  
17 Doperalski sent to the Durham Historic  
18 Association dated May 17th of 2018?

19 A I'm familiar with it. I need to locate it.

20 Q Okay.

21 A Are you going to put it up? Thank you very  
22 much.

23 Q Yes.

24 PRESIDING OFFICER WEATHERSBY: Do you have

1 an Exhibit Number for us, please?

2 MR. PATCH: Yes, it's DHA Exhibit 2.

3 BY MS. PATCH:

4 Q And then attached to this letter, DHA Exhibit 3,  
5 are stone walls that Durham Historic Association  
6 I believe, well, it's stone walls that are  
7 referred to at least in the letter from Mr.  
8 Doperalski, correct?

9 A It appears to be that. Yes. Can we locate  
10 where it is mentioned in the letter to precisely  
11 define what that list is?

12 Q Sure. We can go back.

13 A Thank you.

14 Q In the letter he notes that on April 16th of  
15 2018, the Durham Historic Association sent a  
16 list of stone walls located in Durham prepared  
17 by Janet Mackie. I guess I don't see a specific  
18 reference in that letter, although I think the,  
19 to the attachment, but I'm pretty sure the  
20 second paragraph of that letter includes the  
21 stone walls that were referred to in the list.  
22 Does that sound correct? You said you were  
23 familiar with the letter.

24 A Yes. Yes, it does look correct. Thank you.

1 Q And then there is one more exhibit that I wanted  
2 to show you which is a Durham exhibit. It's  
3 been marked as TD/UNH 27, and does that list  
4 look familiar to you? Have you seen that list  
5 before?

6 A Yes, but not in detail.

7 Q So I mean this is a list that the Durham  
8 Historic Association actually provided where  
9 they have updated, as they say I think at the  
10 top there, the list from Eversource from the  
11 Mark Doperalski letter, and they have identified  
12 additional stone walls that they would like to  
13 be protected, and there are some identifying  
14 marks in there. There are a couple of  
15 asterisks, I think. Next to certain stone  
16 walls, but it sounds like you've had a chance to  
17 at least look at that list, correct?

18 A Yes, I've seen it.

19 Q Now, in terms of stone walls in wetlands in  
20 Durham, should they be protected by timber mats?

21 A Stone walls, yes. What you're bringing forward  
22 are a broad number of stone walls in Durham, and  
23 there are very precise treatments for stone  
24 walls depending on the different location of

1           those stone walls and what, if any, construction  
2           effects there would be.

3       Q     So if there is a stone wall in wetlands, the  
4           appropriate protection to use is a timber mat;  
5           is that fair to say?

6       A     I can't answer that question.

7       Q     You can't?  Okay.

8       A     No.

9       Q     Why not?

10      A     The treatment of the stone wall depends on the  
11           location and the effects that it may endure  
12           from, if any, from a particular Project, if  
13           that's what you're referring to.

14      Q     So a timber mat isn't always the way to protect  
15           a stone wall in a wetlands area, is that what  
16           you're saying?  Or there are other forms of  
17           protection?

18      A     There are four methods of protection that we  
19           have identified for stone walls in APE for this  
20           Project.

21      Q     Okay.  But what about wetlands in particular?

22      A     I can't speak directly to wetlands.

23      Q     Okay.  So you don't have any knowledge or  
24           experience with that?

1 A No. I'm not an expert in wetlands.

2 Q Are you familiar with the MOU between Eversource  
3 and New Hampshire DHR?

4 A Yes.

5 Q And I want to put up on the screen that MOU  
6 which I believe is Applicant's Exhibit 200, and  
7 I'm looking at page 2 of that, and there's a  
8 term "Consulting Parties" that is used in that  
9 document, but it isn't defined in the document.

10 What's your understanding of who the  
11 Consulting Parties are or were that were  
12 referred to in the MOU?

13 A The Consulting Parties are the Town of Durham  
14 and the Town of Newington.

15 MR. IACOPINO: And this MOU is Applicant's  
16 Exhibit 200?

17 MR. PATCH: That's right.

18 BY MR. PATCH:

19 Q I'll just go up to the first page where it's  
20 marked.

21 That's a phrase that's used in Section 106  
22 regulation, isn't it?

23 A Yes.

24 Q And don't those regulations require agencies to

1 seek and consider the public's views at every  
2 stage of the review process?

3 A Yes.

4 Q And don't Consulting Parties typically include  
5 federally recognized tribes, native  
6 organizations, state and local governments, and  
7 individuals and organizations with a legal or  
8 economic relationship to a project or property  
9 such as historic societies or commissions?

10 A Yes.

11 Q So in terms of, how are Consulting Parties  
12 notified about meetings?

13 A I'm sorry. Can you clarify that? Is that for  
14 Section 106?

15 Q Yes.

16 A It can happen in many ways. Usually the federal  
17 agency, which is the lead on accomplishing  
18 Section 106, they may hold a public hearing.  
19 Sometimes the State Historic Preservation  
20 Officer holds a public hearing. Or a public  
21 meeting, just a plain public meeting just for  
22 information purposes.

23 Q Page 2 of this MOU refers to an October 4th,  
24 2017, meeting. Do you know if the Town of

1 Durham or perhaps the Town of Newington and the  
2 Durham Historic Association were ever notified  
3 about that meeting?

4 A No, I'm not, I'm not aware of that, no.

5 Q Page 3 of the MOU has a section on the Durham  
6 Point Historic District. Are you familiar with  
7 that section?

8 A Yes.

9 Q The first paragraph under that section cites 7  
10 historic stone walls and one granite quarry as  
11 being impacted by the Project; is that correct?

12 A Yes.

13 Q And when it says in paragraph 1 that Eversource  
14 shall employ the following avoidance and  
15 minimization measures, what is your  
16 understanding of what those measures are with  
17 regard to the stone walls?

18 A My understanding, and they are actually fully  
19 disclosed later on in the document, is to avoid  
20 the stone walls, to use existing breaches in the  
21 stone walls, to use timber matting where that's  
22 appropriate, or to build a work platform on top  
23 of the timber matting as appropriate, depending  
24 on the situation, but the first and foremost is

1 to avoid any work on or around them.

2 Q And the list of stone walls, and that agreement  
3 is shorter than the one that was -- is it  
4 shorter than the one that was attached, first of  
5 all, to Mr. Doperalski's letter?

6 A It is not shorter for the number of stone walls  
7 that are within the Durham Point Historic  
8 District. It is complete.

9 Q Okay. And what about total stone walls that are  
10 referenced in those letters, are all of those  
11 included under this MOU?

12 A Excuse me? Can you ask that question again? I  
13 think I heard you say is it the total number of  
14 stone walls in Durham? Is that correct? Is  
15 that what you asked me?

16 Q I'm looking at DHA Exhibit 3, and I have it up  
17 on the screen, and I just, I'm just asking if  
18 all of the stone walls identified in there are  
19 covered under the MOU.

20 A No. They are not.

21 Q And why not?

22 A As I just indicated, the stone walls that are  
23 covered under the Memorandum of Understanding  
24 are those within the Durham Point Historic

1 District or the Newmarket & Bennett Road  
2 Historic District, both of which are located in  
3 Durham.

4 Q Okay. So the MOU only covers walls within the  
5 Historic District then; is that fair to say?

6 A Yes.

7 Q And so then obviously, I think I know the  
8 answer, but I just want to go over it. The  
9 stone walls that are listed in TD/UNH Exhibit  
10 27, not all of those are covered in the MOU  
11 either, correct?

12 A Yes. They are covered in another agreement  
13 between Eversource and the Town of Durham and  
14 UNH.

15 Q That agreement hasn't been signed yet; is that  
16 right?

17 A That is my understanding. Yes.

18 Q In fact, when Mr. Selig comes, we can go over  
19 that in a little bit more detail, but okay.  
20 We'll leave it at that for now.

21 What about the granite quarry physical  
22 impact avoidance measures that I believe are  
23 mentioned in the MOU? Could you discuss those a  
24 bit? Could you explain what those are?

1 A Yes. Avoidance and access to that area is the  
2 principal means of avoidance and minimization  
3 and mitigation of the stone quarry within the  
4 Durham Point Historic District.

5 Q And what is the quarry sensitive area?

6 A The quarry sensitive area is very clearly  
7 delineated as are all of the stone walls on each  
8 and every Project map for Durham. Would you  
9 like me to show that to you where it is  
10 delineated?

11 Q Sure. If you can. That would be good.

12 A Thank you. This may take a little bit of time.

13 Q Maybe I can call it up on the screen if you can  
14 give me a cite and you know the exhibit number.

15 A Might be quicker in the Memorandum of  
16 Understanding. The maps are included in that.  
17 They are indicated as the Historic District  
18 stone wall maps, but the quarry is also  
19 indicated on those maps.

20 Q Do you know what the exhibit number is?

21 A It would be under Exhibit 200 which is the  
22 Memorandum of Understanding.

23 Q Yes. And do you have that? Probably not  
24 electronic.

1 A Under Appendix B of Exhibit 200.

2 Q Attachment B?

3 A Yes. It is Attachment B, yes. Thank you.

4 Q Okay.

5 A No. That's part of the Memorandum of Agreement.  
6 So it is not Attachment B. Sorry. It states on  
7 my document here that it is Appendix B. All the  
8 way in the back of the document.

9 Q Okay. Is it one of these maps?

10 A Yes. It is.

11 Q Do you have a page number?

12 A I'm looking here. It's next to Longmarsh Road.

13 Q In the lower right-hand corner, it says map 1 or  
14 2 of 7 or whatever.

15 A Yes, I'm getting close.

16 Q I mean, I'm not sure I'm on the right map. I'm  
17 just asking if you could give me the cite and  
18 then we'll find it.

19 A I believe it's map 6 or 7. I'm going to look at  
20 the larger one so that I can verify that.

21 Q Okay.

22 A Yes. It is map 6 of 7 under the Memorandum of  
23 Understanding.

24 Q So can you point on the map to where the quarry

1 sensitive area is or can you just --

2 A It's right before the turn which is shown --

3 Q Sensitive area on 5 of 7 I see a box with an  
4 arrow pointing to sensitive area.

5 A Yes.

6 Q Is that the one?

7 A Yes. That's correct. Thank you very much for  
8 your help.

9 Q Yes, sure.

10 A You're able to see it more clearly than I am.  
11 Thank you.

12 Q Okay.

13 A So it doesn't necessarily state quarry, but it  
14 is sensitive area.

15 Q Okay.

16 A Thank you very much.

17 Q Thank you for locating that.

18 Are you familiar with the quarrymen's  
19 granite slab bench near the top of the steep  
20 quarry cut?

21 A Yes.

22 Q Shouldn't that sensitive area be expanded west  
23 by about 150 feet to include that granite slab  
24 bench?

1 A No. We have identified the sensitive area, and  
2 I think that we marked, Mark Doperalski who was  
3 the cultural resource manager at the time for  
4 Eversource identified the resource accurately.

5 Q But it's my understanding that the sensitive  
6 area does not include that granite slab bench.  
7 Do you have a different understanding?

8 A I do. Yes.

9 Q So you think it's included in that area.

10 A Yes.

11 Q Are you familiar with two Class VI roads in  
12 Durham that, the Beech Hill Class VI road and  
13 the Foss Farm Class VI road?

14 A Yes. I'm familiar with the roads. I do not  
15 understand the term "Class VI."

16 Q Okay. Well, I mean it's essentially a, I'm not  
17 sure I can describe it as accurately as what it  
18 says in the statute, but it's a road that  
19 generally is protected because it's a very old  
20 road and access to it is limited. And so this  
21 is an area of concern for the Town of Durham and  
22 for the Durham Historic Association. Are you  
23 familiar with those concerns?

24 A Yes, I have read the Durham Historic Association

1 report.

2 Q And you share those concerns or not?

3 A I'm sorry?

4 Q In terms of limiting access when it comes to  
5 construction, limiting access to the use of  
6 those roads?

7 A No. We have taken all of the information and  
8 all of the historic resources that Durham  
9 Historic Association identified in their report  
10 and taken a very careful and thoughtful look at  
11 those resources, and also conferred with  
12 Division of Historic Resources on the  
13 identification of historic resources and how  
14 they should be assessed, and we are very  
15 confident that we have identified all of the  
16 historic resources that might be affected by  
17 this Project and taken them into consideration  
18 and finalized them in this Memorandum of  
19 Understanding that we are looking at and  
20 referring to as we speak now.

21 Q Okay. But those two Class VI roads you don't  
22 agree are ones that need to be protected in any  
23 way?

24 A We have protected or put in provisions for

1           avoiding or minimizing or mitigating all  
2           historic resources that will be affected by this  
3           Project.

4       Q     Are you familiar with the Samuel Hill Family  
5           Burial Site that was described in the 1913 town  
6           history and that contains 18th century graves  
7           located by the fieldhouse?

8       A     I am, yes. I'm familiar with the reference to  
9           it. I'm familiar with the 1930 Stackpole  
10          document with the history of Durham, and it is  
11          referenced in both our Project Area Form and in  
12          even the survey form that was completed for the  
13          Durham Point Historic District.

14      Q     And I have up on the screen now, I believe it's  
15          Exhibit 142 which is your Supplemental  
16          Testimony, and this is an attachment to it, and  
17          there's a reference here to the, what I think is  
18          basically what we're talking about. Is that  
19          correct?

20      A     Yes. And I think this reference and this report  
21          which is attached to my testimony is an  
22          indication of the amount of thoughtful and deep  
23          look at every concern that the Durham Historic  
24          Association has brought to our attention. My

1 colleague, the archeologist, has taken a very  
2 close look at this as well.

3 Q But Eversource is unwilling to conduct a ground  
4 penetrating radar survey of the area to make  
5 sure that construction is avoided on the burial  
6 sites; is that your understanding?

7 A Yes.

8 Q Why?

9 A In the Memorandum of Understanding is a very  
10 thoughtful and well-constructed Monitoring Plan,  
11 Curation Plan, Training Plan and Unanticipated  
12 Discovery Plan which will deal with this or any  
13 other concern there may be for identifying  
14 unanticipated architectural resources,  
15 archeological resources or human remains; and in  
16 my experience in this field, that is an  
17 excellent and very effective way of handling  
18 concerns of things that may not be located or  
19 may be unknown in the future in such a Project.

20 Q As part of the work that you did on this  
21 project, did you review the Durham master plan?

22 A Yes.

23 Q I mean, I'm going to show you and I'm not going  
24 to necessarily read all of the sections of it

1 that pertain to historic resources, but I want  
2 to show you at least a few sections from that.  
3 It's TD-UNH Exhibit 24 and, for example, on page  
4 1, under Community Character, the Vision and  
5 Community Character chapter of the Durham Master  
6 Plan adopted in 2015 committed to the following  
7 vision for Durham's future. In 2025 and beyond,  
8 Durham is a balanced community that has  
9 successfully maintained traditional  
10 neighborhoods, natural resources, rural  
11 character and time-honored heritage, while  
12 fostering a vibrant downtown, achieving energy  
13 sustainability and managing necessary change.

14 So I guess their particular phrase,  
15 time-honored heritage clearly refers to historic  
16 resources, does it not?

17 A Yes, it certainly can.

18 Q And so that's obviously a critical issue for the  
19 Town of Durham. Would you agree?

20 A Yes, from the material I've read about Durham,  
21 yes. History is very important to the  
22 community.

23 Q Okay. And so there are a number of other  
24 provisions in here. Maybe I'll just show you

1 one or two other. On page 2.

2 Over the past decade Durham has  
3 demonstrated its commitment to smart growth in  
4 its policies including -- there are a number of  
5 things listed in here, but I'm particularly  
6 focused on the third bullet -- strong support  
7 for preservation of natural and historic  
8 resources.

9 Again, that's a critical issue for the Town  
10 of Durham, isn't it?

11 A Yes.

12 Q And there are a couple of other places that I  
13 won't bother reading, but I'll just cite for the  
14 record page 2 under quality of place; page 3,  
15 historic resources; that's a good one to cite.  
16 And then the key conclusions reference which I  
17 believe is --

18 MS. DUPREY: Madam Chair, the questioner is  
19 testifying, and it's taking a really long time.  
20 What's the question?

21 MR. PATCH: I was just getting to a  
22 question. I'm almost there.

23 BY MR. PATCH:

24 Q So I guess my, the bottom line of my question is

1 I hope you appreciate and understand and do you  
2 in fact appreciate and understand how important  
3 historic resources are to people in the Town of  
4 Durham?

5 A Yes.

6 Q And can you understand why residents in Durham  
7 who live there day in and day out and don't just  
8 visit it a few times as part of an analysis for  
9 this Project would be concerned about the  
10 impacts the Project may have on the resources in  
11 the town? Do you understand that?

12 A Yes. And I believe Eversource also certainly  
13 understood that which is why we responded very  
14 carefully, very thoughtfully, to the concerns  
15 and responded to each and every resource that  
16 was brought to our attention by the Durham  
17 Historic Association and --

18 Q But you never met with them, did you?

19 MR. NEEDLEMAN: I think the witness should  
20 be allowed to finish the answer.

21 MR. PATCH: I'll withdraw the question.

22 Q Okay. I have one more question for you and  
23 that's it.

24 In Exhibit 19, which I believe is your

1 Original Testimony, on page 8, lines 14 to 16,  
2 you had said that the Project has also been  
3 modified to reduce or eliminate visibility in  
4 the Newmarket-Bennett Road's Historic District  
5 in Durham through the use of reduced structure  
6 heights, use of weathering steel H-frames, and  
7 moving structure locations.

8 Did I read that correctly?

9 A Yes.

10 Q Could you explain in more detail how much those  
11 heights were reduced and how the structure  
12 locations have been moved?

13 A I will give you an example of one which would be  
14 by the Mooney cemetery. That structure is now  
15 closer to, I believe, 48 feet and is an H-frame.  
16 It was moved east from its current location, and  
17 so it is pretty much out of sight of the Mooney  
18 cemetery, and I think it's an excellent example  
19 of the type of work that was done by the Project  
20 to reduce the visibility of the Project in the  
21 Newmarket-Bennett Road Historic District.

22 Q What about moving structure locations?

23 A That was a movement of a structure, and it was a  
24 reduction in the height as well. Yes.

1 Q What about weathering steel H-frames?

2 A And weathering steel was also used in that  
3 location.

4 Q Same location?

5 A Yes.

6 Q Are those the only locations?

7 A No. It was not. There were other places along  
8 Newmarket Road in, within the wooded areas near  
9 both numbers 3 and 4 on Newmarket Road. Three  
10 and 4 Newmarket Road. No. I'm wrong. Three  
11 and 4 Bennett Road. The Project goes behind  
12 those on number 3 Bennett Road, and although it  
13 exists right now, because of the reduction in  
14 the heighth and placement, we were able to make  
15 longer spaces between those structures and that  
16 reduced the visibility within that Historic  
17 District.

18 Q Okay. That's all the questions I have. Thank  
19 you.

20 A Thank you very much.

21 PRESIDING OFFICER WEATHERSBY: Attorney  
22 Boepple for the Town of Newington.

23 **CROSS-EXAMINATION**

24 **BY MS. BOEPPLE:**

1 Q Good morning.

2 A Good morning, Beth.

3 Q Beth Boepple, representing the Town of  
4 Newington. Ms. Widell, nice to see you again.

5 A Thank you. Nice to see you.

6 Q My focus today in the Seacoast hearing is in  
7 representing the Town of Newington on the issue  
8 of historic resources as well as aesthetics, but  
9 I know you're here to testify regarding the  
10 historic resources.

11 So I'd like to start first with some of  
12 your qualifications. I believe in your Prefiled  
13 Testimony dated April 12th, 2016, which you've  
14 just adopted this morning you described your  
15 background and qualifications, and you attached  
16 your CV. I'd like to draw your attention to  
17 that part of your Prefiled Testimony.

18 Am I correct that you graduated in 1975  
19 from Hood College in Maryland?

20 A Yes.

21 Q With a bachelor's degree in American history.

22 A Yes.

23 Q And you then did some graduate level work at  
24 George Washington University; is that also

1 correct?

2 A Yes. I completed it all except for my thesis.  
3 I'm an ABT.

4 Q Okay.

5 A I got a job in the field so I figured I didn't  
6 really need it. So I was very excited about  
7 that.

8 Q Okay. But you didn't, at the end of the day you  
9 did not get that degree.

10 A That's correct.

11 Q On page 1, lines 11 through 12 of your Prefiled  
12 Testimony, you state that your background and  
13 training meets the Secretary of the Interior's  
14 Professional Qualification Standards; is that  
15 correct?

16 A Yes.

17 Q For both historian and architectural historian?

18 A Yes.

19 Q And is it correct that those Professional  
20 Qualification Standards are set forth under the  
21 federal code, 36 CFR Appendix A to Part 61? You  
22 may not know that off the top of your head.

23 A I think it's Part 800 but yes.

24 Q I'm just going to show you that section.

1 A Um-hum.

2 Q And this has been marked as Newington's Exhibit  
3 16. We'll be submitting this today.

4 I'd like to draw your attention to the  
5 section that's highlighted. Can you see that?

6 A I cannot. Maybe if I get out --

7 MS. DUPREY: Could she blow it up, please?

8 A I can see it right here. Thank you.

9 Q Can everyone see that okay?

10 MS. DUPREY: Not very well, no.

11 Q Can you read this now?

12 A Yes.

13 Q Okay. And do you see where in the section of  
14 the statute it describes what the qualifications  
15 are for someone who meets the Secretary of  
16 Interior standards as an architectural  
17 historian?

18 A Um-hum.

19 Q Do you see where it says that the minimum  
20 professional qualifications in terms of  
21 education include a graduate degree in  
22 architectural, whoops, misspelling, but I think  
23 it's supposed to say architectural history, art  
24 history, historic preservation or closely

1 related field? And you do not have a graduate  
2 degree in any of those, correct?

3 A That's correct.

4 Q With course work in American architectural  
5 history or a bachelor's degree in architectural  
6 history, art history, historic preservation or  
7 closely related field, correct? That's what it  
8 says, correct?

9 A Plus one of the following, yes.

10 Q Plus one of the following.

11 A Yes.

12 Q And you do not have a bachelor's degree in one  
13 of those fields; is that correct?

14 A Not in one of those fields. That's correct.  
15 Yes.

16 Q Okay. Thank you. So let's move on.

17 I'd like to draw your attention now to  
18 Newington's Exhibit 1.1, and I'm going to just  
19 ask to correct the record from yesterday when I  
20 was questioning Applicant's witness David  
21 Raphael, and I used Newington Exhibit 2.4 which  
22 I have somewhere here. There it is. But made  
23 reference to it as Newington's Exhibit 1-1.

24 So what we're looking at is actually

1 Newington's Exhibit 1-1. Do you see that?

2 A Yes. I do.

3 Q Thank you. And is this a document you have seen  
4 in the course of your review of materials?

5 A No. I saw it yesterday when you presented it  
6 but no, it's not a document I'm familiar with.

7 Q Okay. We'll talk about this in a bit.

8 In your Prefiled Testimony, you described  
9 various materials that you reviewed as part of  
10 your work to assess the impact of the Project on  
11 historic resources. Is that correct?

12 A Yes.

13 Q And among those things you reviewed Project Area  
14 Forms that were completed by The Preservation  
15 Company; is that correct?

16 A There was only one Project Area Form completed  
17 for this Project, and that's the form, and yes,  
18 I did not only preview it, I participated in it  
19 and collaborated with its development and  
20 writing and was very much a part of the  
21 development of that document.

22 Q Okay. Then -- I understand. Did you also  
23 review Newington Center Historic District's  
24 National Register Nomination Form?

1 A Yes. Both the original 1981 and the amendment  
2 to it which added the Town Forest in 1991.

3 Q And in that review -- and what other materials  
4 did you review?

5 A Oh, gosh. For the Project Area Form?

6 Q In general, as you were looking to see what  
7 historic properties might be affected by this  
8 Project. In Newington specifically.

9 A Certainly in Newington especially the inventory  
10 forms that we completed and the materials for  
11 that inventory form. For example, the Pickering  
12 farm, there were, as I remember, newspaper  
13 accounts of the owners that had been in a  
14 horrific accident related to the stone  
15 entrances, things like that. Historic  
16 information related to those that lived in the  
17 property. Information related to the town  
18 meeting place and how it's the oldest one in New  
19 Hampshire and then how it was converted into a  
20 church building.

21 Lots of information related not just to the  
22 architecture, but also to the people that lived  
23 there, and why it's important not only to  
24 Newington but New Hampshire. Does that help? I

1 mean, I could talk about, you know, deeds and  
2 stuff like that, but I like the stuff that  
3 relates to people.

4 Q Okay. That's helpful. Thank you. And as you  
5 reviewed all of those materials, was there a  
6 picture that arose of what's important in  
7 Newington, to the people of Newington?

8 A Oh, gosh. One picture. No. I think standing  
9 at the cemetery where you can see both the Frink  
10 Farm and the church and the library and the  
11 stone school behind it. I mean, it's just, if  
12 you stand in that location, we have a character  
13 defining feature that's called feeling. Many  
14 people say how do you apply feeling to a  
15 building. I would say go and stand there, and  
16 you get feeling of a different time in the  
17 heritage of that place and our country frankly.

18 Q And you felt that in Newington?

19 A I definitely felt that in Newington. Yes.

20 Q So is it, was it surprising that no stone walls  
21 were identified until May when Denis Hebert  
22 brought that to Eversource's attention that  
23 there were stone walls that had not been  
24 identified?

1 A I have to correct you and say that I don't think  
2 that's accurate. I think in the Newington  
3 Historic District nomination, stone walls are  
4 definitely mentioned as a contributing feature.

5 Q Let me be clearer, and I apologize for that.  
6 Not just generally stone walls but the fact that  
7 there were none identified as potentially being  
8 impacted by this Project until it was brought to  
9 Eversource's attention by Denis Hebert.

10 A No, because we believed that they would not be  
11 affected by the Project.

12 Q Okay. I'm going to see if I can find a  
13 document. Well, let me ask you this. If you  
14 believe they were affected, then -- excuse me.  
15 Just one moment.

16 Could I have the ELMO, please, Dawn?

17 MS. DUPREY: While we're waiting could we  
18 have the exhibit number, please?

19 MS. BOEPPLE: We don't have it marked yet.  
20 It will be Exhibit 18.

21 This will be Newington's Exhibit 18.

22 BY MS. BOEPPLE:

23 Q I'd like to show you a letter from Eversource to  
24 Denis Hebert that's dated July 26, 2018,

1 specifically addressing the stone walls in  
2 Newington, and a representative of Eversource  
3 sent this letter in response to concerns raised  
4 about stone walls that had not been identified  
5 as being potentially impacted.

6 Are you familiar with this letter? Have  
7 you seen it?

8 A Yes. After the stone walls were brought to the  
9 attention of Newington by Mark Doperalski who is  
10 our cultural resource manager, Eversource went  
11 up and carefully mapped each and every one of  
12 the stone walls in Newington and they are  
13 covered in this letter from Eversource to the  
14 Town of Newington through the Project and  
15 identified on each of those maps. They are an  
16 attachment to my testimony. So I'm very aware  
17 of this agreement between or letter of agreement  
18 between Eversource and Newington to care for the  
19 stone walls in Newington.

20 Q Right. And my question had to do with when  
21 those were identified as a resource for  
22 protection.

23 A I believe in May of last year.

24 Q Okay.

1 A I think.

2 Q And my question was they had not been identified  
3 in your view and, perhaps not in your review,  
4 but the original survey of all of the resources  
5 in Newington, it did not come up until some time  
6 last year. Is that correct? May actually of  
7 this year.

8 A Yes, and that is because we did not believe that  
9 walls that were in the direct APE which is the  
10 100-foot-wide corridor would be affected at the  
11 time that we had not included. They've always  
12 been included in the Newington Historic District  
13 as a contributor to its significance so it was  
14 not --

15 Q Thank you.

16 A -- that we were not aware of them. We were. We  
17 just did not believe that we would be affecting  
18 them. But we can be assured through this letter  
19 and commitment from Eversource that not only the  
20 ones in the Historic District but others such as  
21 on Hannah Lane will be cared for through the  
22 Project.

23 Q You anticipated my next question which was would  
24 you agree that stone walls are an important

1 character-defining feature?

2 A Yes.

3 Q Okay. Thank you. I'd like to next draw your  
4 attention to Newington's Exhibit 1-6 and could  
5 we switch back, Dawn, please? Thank you.

6 A Could I make one point of clarification. When  
7 we talk about Newington, I'm going to assume  
8 unless you tell me otherwise we're talking about  
9 within the Newington Historic District or an  
10 individual historic property that you identify.  
11 Is that accurate? Because you keep saying  
12 within the Town of Newington. And I can speak  
13 to that, but I think most of the time you're  
14 referring to properties within the Newington  
15 Historic District. Is that accurate?

16 Q Well, some of my questions are.

17 A Sorry. Then I'll be aware of that. Thank you,  
18 Beth.

19 Q I'll try to be distinctive.

20 A Thank you very much.

21 Q So I'd like you to take a look at Newington's  
22 Exhibit 1-6 and ask when it comes up on the  
23 screen if this is a document you might be  
24 familiar with, and if not just this page, I can

1 put it in context for you.

2 A I believe this is on Town of Newington's site  
3 within their either master plan or plan for the  
4 Historic District Commission for the protection  
5 of historic properties.

6 Q Yes. Thank you. I didn't mean that as a trick  
7 question or to test your memory.

8 A No, no.

9 Q Yes. It's part of the master plan.

10 A Okay.

11 Q And in fact, specifically it's the  
12 recommendation section of Newington's master  
13 plan. And do you see where I've highlighted the  
14 section that says Roads?

15 A Yes.

16 Q And does this section of Newington's master plan  
17 for recommendations under Roads highlight the  
18 importance and the significance of scenic roads  
19 in the, within the Town of Newington?

20 A Yes.

21 Q Would you agree?

22 A Yes.

23 Q Would you also agree that roads in general are  
24 an important character-defining feature at times

1 of Historic Districts?

2 A It depends.

3 Q They can be.

4 A They can be.

5 Q Can they also be a defining feature of, for  
6 example, a cultural landscape?

7 A Yes. They can be.

8 Q I'd also like you to take a look at the next,  
9 this section captioned Knight's Brook Corridor  
10 which is on the recommendation plan of  
11 Newington's master plan.

12 A Yes.

13 Q Do you see that?

14 A Yes.

15 Q Would you just read for us what that says?

16 A One of the region's most scenic and historically  
17 significant landscapes of open fields and  
18 farmland is that 250-acre tract situated  
19 immediately northwest of the town center  
20 comprised of the Frink, Pickering, Hislop and  
21 the former Rowe properties. Every effort should  
22 be made to preserve this open space.

23 Q Would you in general terms say that that is  
24 describing something that you might consider to

1 be a cultural landscape?

2 A I'm not familiar with the Hislop, and I am  
3 familiar with the Rowe property. I have not  
4 evaluated so I can't say that with great  
5 accuracy. I don't know. I can't tell you that  
6 precisely.

7 Q Okay.

8 A The Newington Historic District is certainly a  
9 cultural landscape, yes.

10 Q Are you aware of the location of the Frink and  
11 the Pickering properties?

12 A Yes.

13 Q So you know they are adjacent to one another,  
14 correct?

15 A Yes.

16 Q Are you aware of where the Rowe properties are  
17 located?

18 A Yes.

19 Q And would you say that this description that  
20 talks about a 250-acre tract could be a  
21 continuous whole?

22 A I don't know that.

23 Q Okay. Assuming that it is, and given knowledge  
24 of the Frink and the Pickering farms, and your

1 knowledge of the area, is it possible that this  
2 could be considered a cultural landscape?

3 A Yes. My hesitation comes in that I know that  
4 there are 20th century properties that have been  
5 built right next to the Pickering farm and  
6 adjacent to the Historic District, and the  
7 Pickering farm is not part of the Historic  
8 District nor is the Rowe property and so --

9 Q I understand that.

10 A So that's why, I don't mean to be difficult, but  
11 we look very carefully at what would be  
12 considered intrusions in the evaluation, and I  
13 can't sit here and say that I would know that  
14 for certain.

15 Q Okay. Understood. I've given you just a small  
16 section of the master plan. I'm just trying to  
17 get at what you might define as a cultural  
18 landscape.

19 A Um-hum.

20 Q Is it possible that even an area that has some  
21 intrusion of modern structures would  
22 nevertheless still retain enough  
23 characteristics --

24 A Yes.

1 Q -- to qualify --

2 A Yes.

3 Q -- as a cultural landscape?

4 A Yes, it would.

5 Q Okay. Thank you. And would you also agree with  
6 me that the Town has identified an area of its  
7 town through this section of its master plan  
8 that they consider worthy of preservation?

9 A Yes.

10 Q Okay. Thank you.

11 I'm going to back to Newington's Exhibit  
12 1-1, and I'd like to represent to you that  
13 although you haven't seen this before, this is a  
14 land use map of the Town of Newington. Are you  
15 familiar enough with Newington to be able to  
16 roughly understand that if I tell you that the  
17 pink line is an indication of where the Seacoast  
18 transmission line is proposed to be constructed?

19 A Yes.

20 Q And would you agree with me that part of this  
21 line indicates that it will run through some of  
22 those areas we've just been talking about in  
23 Newington?

24 A Yes. I believe that's the Historic District

1           that it's running through where you're  
2           indicating right now.

3       Q     Okay. Thank you. I'd like to show you what's  
4           been marked as, and I used yesterday,  
5           incorrectly identified, but is in fact marked as  
6           Newington's Exhibit 2-4. You see the line is  
7           different colors now?

8       A     Yes.

9       Q     And do you see the legend where it says that the  
10          pink line is Eversource's Proposed Burial  
11          Locations?

12      A     Yes.

13      Q     And where the black line is, that these are  
14          areas that the town has requested specifically  
15          as additional burial locations?

16      A     I am not aware of that.

17      Q     That hasn't been something that you've been  
18          involved in discussions of?

19      A     Nonhistoric areas, no.

20      Q     Have you been involved -- okay. Thank you.

21            I'd like to go back to your Prefiled  
22          Testimony. Page 9. And I'm going now to your  
23          testimony where you've arrived at some  
24          conclusions where there won't be unreasonable

1 adverse effect on historic resources. Page 9 of  
2 your Prefiled Testimony. I'll let you get  
3 there.

4 A Thank you, I'm there.

5 Q You say that the Project will not have an  
6 unreasonable effect on historic resources  
7 because, among other reasons, quote, "The  
8 Project will be located within an existing  
9 electric utility corridor in a largely suburban  
10 setting."

11 Is that a conclusion you reached? Is that  
12 correct?

13 A Yes.

14 Q Now, going back to Newington's Exhibit 2-4, you  
15 can see that the area of Newington that remains  
16 residential, we have two pockets of it within  
17 the Town of Newington. Can you see that?

18 A Yes.

19 Q And is it fair to say that you've arrived at the  
20 conclusion that it's not going to have an  
21 adverse effect because it's partly because it's  
22 going within an existing line; was that correct?

23 A What is not going to have an adverse effect?

24 Q Sorry. That was a confusing question.

1           The proposed line will not have an adverse  
2 effect on historic properties in part --

3           MR. FITZGERALD: Excuse me. This is the  
4 second time we've seen these maps referred to.  
5 What is the source of these maps and who  
6 prepared them?

7           MS. BOEPPLE: These were prepared by the  
8 Town of Newington and their planning department.

9           MR. FITZGERALD: Okay. Thank you. Are  
10 they part of a document somehow or were prepared  
11 specifically?

12           MS. BOEPPLE: The location of the line was  
13 added as part of the Town's preparation of  
14 materials to show where the line is, but the  
15 land use pattern map is a map that's part of the  
16 Town's planning document that they've had for  
17 quite some time.

18           MR. FITZGERALD: Thank you very much.

19           MS. BOEPPLE: They've simply superimposed  
20 the line on it.

21 BY MS. BOEPPLE:

22 Q My question was you have stated that because the  
23 transmission line will go into an existing  
24 distribution line corridor, that is one of the

1 factors that you used in reaching the conclusion  
2 that it will not have an adverse unreasonable  
3 adverse effect on historic properties. Is that  
4 a correct statement?

5 A The Project as a whole will not have an  
6 unreasonable adverse effect on historic  
7 properties. Yes. I think one of the best  
8 examples is in Portsmouth where there are no  
9 historic properties affected.

10 Q But you've also made the statement that it's  
11 because it's also largely in a suburban setting?

12 A Yes. And I think Portsmouth is a good example  
13 of where the Project is going within that  
14 community. That is definitely in a suburban  
15 area.

16 Q I'm focusing on Newington. And in Newington,  
17 you've made the statement that because it's in a  
18 largely suburban setting, that has less of an  
19 impact.

20 MR. NEEDLEMAN: Objection. I think that  
21 mischaracterizes the testimony.

22 Q Well, let's look at exactly what she said.

23 The Project will be located within an  
24 existing electric utility corridor in a largely

1 suburban setting. That was one of the points  
2 that you referenced when you said in your  
3 Prefiled Testimony that the Project will not  
4 have an unreasonable effect on historic  
5 resources because.

6 That's the question I have. Did you or did  
7 you not say that that was one of the factors you  
8 considered?

9 A Yes. It is one of the factors that I found.  
10 Yes.

11 Q Okay. Thank you. So maybe I'm assuming  
12 something and it's assuming too much, but that  
13 would seem to indicate that you find that a  
14 transmission line has the same final effect as a  
15 distribution line might have in terms of its  
16 impact in the suburban setting. Is that  
17 overstating?

18 A Yes.

19 Q And why?

20 A They're very different.

21 Q The two types of lines are very different?

22 A Um-hum.

23 Q And how different? What's the difference  
24 between them?

1 A Well, it would depend. I'd have to have some  
2 examples, but in my experience, transmission  
3 lines tend to be larger than distribution lines.  
4 But that's a general --

5 Q Let's talk specifics. The Seacoast transmission  
6 line is going to be much larger than the  
7 currently existing distribution line, correct?  
8 It will contain larger poles, correct?

9 A I would not characterize it as much larger, no.

10 Q Would you characterize it as having  
11 significantly taller poles than the existing  
12 distribution line poles?

13 A No. Not necessarily significantly larger.

14 Q Okay. Would you say that there can be a change  
15 in the way a transmission line looks versus a  
16 distribution line, and, therefore, how it looks  
17 on the landscape?

18 A I'm sorry, Beth. You're asking kind of --

19 Q I'm asking --

20 A I have learned a lot about transmission lines  
21 and local distribution lines, and there are so  
22 many versions of them I couldn't possibly make  
23 any more generalization than what I already  
24 have.

1 Q So I'm asking you, your statement in your  
2 Prefiled Testimony is that because it was in a  
3 suburban area that was a factor that negates an  
4 adverse impact.

5 A Yes.

6 Q And specifically, because Seacoast Reliability's  
7 transmission line is being located in a suburban  
8 area, then that's negating the potential adverse  
9 impact. I must put those two and two together  
10 with that. Isn't that a correct statement?

11 A No. I have to clarify that in that I did not  
12 say that in every single part of is it suburban.  
13 There are many suburban parts in the project  
14 area, and I gave you an example of Portsmouth  
15 which we know has many wonderful and very  
16 important historic properties, but none of them  
17 are affected by this Project because it is going  
18 into the suburban area next to a mall and a  
19 parking lot, and there's no possible way that  
20 that's going to affect historic resources.

21 Q But that's not the case in Newington, is it?

22 A No, it is not, and that's why --

23 Q Okay.

24 A -- we've taken such care to underground the

1 Project through the Historic District as  
2 mitigation.

3 Q Then let's go back and look at this map. And  
4 I'm going to ask you if in light of what we've  
5 looked at in terms of the Town's recommendations  
6 and the Town's focus on preservation of its  
7 historic properties and scenic resources, their  
8 request that it be buried in these additional  
9 locations, is that not an indication of the  
10 value they place on their resources over and  
11 above the core of the Historic District?

12 A I'm not sure I can answer that in that the areas  
13 that you are showing are not part of the  
14 Newington Historic District or are there any  
15 historic properties located in those areas other  
16 than Pickering Farm.

17 Q Pickering Farm is definitely within that area.  
18 That is not part of the underground section, but  
19 it's part of the requested area to be  
20 undergrounded.

21 A I do not believe there are any other historic,  
22 aboveground historic resources in those areas.

23 Q Okay. We'll move on. Thank you.

24 Just a couple more questions. At the start

1 of your testimony today, you stated that there  
2 is now a signed MOU and MOA, correct?

3 A Yes.

4 Q Can you briefly explain what those two documents  
5 are and who the parties are to them?

6 A Yes. The MOU is between Eversource and the  
7 Division of Historic Resources. The invited  
8 Consulting Parties are Town of Newington, Town  
9 of Durham.

10 The Memorandum of Agreement is between the  
11 Army Corps of Engineers, the Division of  
12 Historic Resources, and Eversource, and the  
13 invited Consulting Parties are the Town of  
14 Newington and the Town of Durham.

15 Q And those have been entered into not as part of  
16 the SEC process, correct?

17 A Yes, they have been included as Exhibits 200 and  
18 I'm not sure of the --

19 Q I know they've been included as exhibits.

20 My question was are those agreements part  
21 of the procedure before the SEC?

22 A Yes. They're very important.

23 Q Excuse me.

24 A I'm not a lawyer so I'm sorry, Beth, if I --

1 Q I'm sorry. I'm not being clear in my question.

2 When I asked you to explain briefly what  
3 those two documents represent, I'd also like you  
4 to tell us what the MOU is entered into as, what  
5 proceeding was that developed in conjunction  
6 with?

7 A It was developed in conjunction with determining  
8 what the total number of historic resources that  
9 may be affected by the Project, the number and  
10 type of adverse effects within those total  
11 numbers, the extent, nature and duration of  
12 those adverse effects and then the effectiveness  
13 of the mitigation that was made available by the  
14 Applicant to avoid minimize or mitigation  
15 adverse effects to the best practical measures,  
16 and that Memorandum of Understanding fully  
17 agreed upon and developed in consultation  
18 between Eversource and the Division of Historic  
19 Resources is evidence of meeting those  
20 requirements which are part of the SEC's  
21 determination of whether there is in fact an  
22 unreasonable adverse effect caused by this  
23 Project.

24 Also what is taken into account which I

1 neglected to include was the current status of  
2 the Section 106 process. And the Memorandum of  
3 Agreement is evidence that the Section 106  
4 process is completed, that the Army Corps of  
5 Engineers also agrees with the total number of  
6 historic properties that have been found, have  
7 been assessed, and that the mitigation for the  
8 cable terminals and for the Newington Historic  
9 District are in place and going to proceed  
10 should the Project move forward as mitigation  
11 for an adverse effect on the Newington Historic  
12 District and the Cable Terminal Historic  
13 District so they are a critical part of finding  
14 information and providing information and  
15 assurance to the SEC that we have completed the  
16 process. We have found all of the historic  
17 resources the Division of Historic Resources  
18 asks you to do, we have done a thorough  
19 assessment and we've completed the avoidance,  
20 minimization and mitigation.

21 Q Okay. There's nothing in the rules and nothing  
22 under the statute that requires an MOU. Is that  
23 correct?

24 MR. NEEDLEMAN: Objection. This calls for

1 a legal conclusion.

2 MS. BOEPPLE: We've just heard that this is  
3 critical to the SEC's evaluation. Therefore,  
4 there must be some legal basis on which the  
5 witness is making a representation that the MOU  
6 is part and parcel of what the SEC is  
7 considering.

8 PRESIDING OFFICER WEATHERSBY: I'm going to  
9 sustain the objection. You're asking for a  
10 legal conclusion.

11 MS. BOEPPLE: All right.

12 BY MS. BOEPPLE:

13 Q Let me ask you a different way.

14 One of those documents, the MOU or the MOA,  
15 was entered into specifically as it relates to  
16 the Section 106 process; is that correct?

17 A Yes.

18 Q And which one was that?

19 A The Memorandum of Agreement.

20 Q Okay. Did Newington sign off on that?

21 A No. They were invited to be a consulting party.  
22 There is no requirement --

23 Q My question was, I'm sorry. I'm sorry.

24 MR. NEEDLEMAN: The witness should be

1 allowed to answer.

2 MS. BOEPPLE: It was a yes or no answer  
3 that I was looking for.

4 BY MS. BOEPPLE:

5 Q Did Newington sign off on the MOU?

6 A The term sign off --

7 Q Did they sign the MOA?

8 A No. They did not sign the MOA.

9 Q Did they sign the MOU?

10 A No. They did not.

11 Q Thank you. No further questions.

12 A Madam Chair, may I take a break?

13 PRESIDING OFFICER WEATHERSBY: I think  
14 we'll all take a break and come back at 10:30.

15 A Thank you very much.

16 (Recess taken 10:18 - 10:35 a.m.)

17 PRESIDING OFFICER WEATHERSBY: We will  
18 resume. Our next examiner is Ms. Mackie for the  
19 Durham Historic Association.

20 **CROSS-EXAMINATION**

21 **BY MS. MACKIE:**

22 Q Hello. I'm Janet Mackie from the Durham  
23 Historic Association.

24 A Hello.

1 Q First I want to ask you about the Class VI road.  
2 The old Beech Hill Road. Do you agree that  
3 that's a historic road?

4 A We considered this road in the response to the  
5 Durham Historic Association report, and we found  
6 that it is listed as DO-3 along with the  
7 property.

8 Q Excuse me. Could you talk closer to the  
9 microphone?

10 A Forgive me. My head is getting ahead of my  
11 voice. So let me start again.

12 We included looking at Beech Hill Road in a  
13 property on it in the Project area, yes. So we  
14 considered it as a historic property worthy of  
15 consideration.

16 Q Right. And then you decided that using it as an  
17 access road was going to be not a problem for  
18 the historic road; is that correct? Because  
19 you'd be able to mitigate?

20 A No. We determined that it was not a historic  
21 property and was not included in the inventory  
22 and that it would not be adversely affected by  
23 the project.

24 Q I'm sorry. So you said you didn't think it was

1 historic?

2 A We were not asked to inventory it by the  
3 Division of Historic Resources.

4 Q Well, let me clarify that. We did consider it,  
5 yes. On page 9 of our Exhibit A to, it's an  
6 addendum to Exhibit 143 which is my Prefiled  
7 Testimony on page 9 at number 40. We looked  
8 very much at Beech Hill Road and why don't I  
9 share with you because I think that will clarify  
10 our understanding of it as a resource.

11 The stone walls along old Beech Hill Road  
12 have been identified and mapped on the Project  
13 plan sheets, physical impacts to these boundary  
14 walls, WP-1A and WP-1B would be avoided per our  
15 letter and historic farms in this area have been  
16 divided, newer homes built, the Kraus property  
17 which had a small circa 1960 house along Beech  
18 Road was identified as DO-3 in our Project Area  
19 Form. It was not recommended for survey and the  
20 Division of Historic Resources concurred in this  
21 recommendation. So we looked very carefully at  
22 the road and the area and concurred and  
23 discussed it with the Division of Historic  
24 Resources.

1 Q When the Durham Historic Association which I'll  
2 call DHA, when DHA raised this as a potential  
3 issue, was any additional research done about  
4 it?

5 A This would have been in May of last year when we  
6 first looked, began to look at this, and then in  
7 the report that was dated, the original report  
8 was attached to your July 31st, 2017, testimony,  
9 historic resources to be protected.

10 Q Right.

11 A Okay. That's when we --

12 Q Well, I understand that you came to the  
13 conclusion that it wasn't to be surveyed or  
14 treated under Section 106. What I'm asking is  
15 was, when we raised the road as what we thought  
16 was historic, was any additional research done  
17 about the Province Road which is this road?

18 A Additional research. We concurred, we worked  
19 with the Division of Historic Resources. It had  
20 been in the Project Area Form And had been  
21 determined that the area did not nor any  
22 individual properties within that area need to  
23 be surveyed. That was generally for identifying  
24 all historic properties within the APE.

1 Q So is it correct to say that nobody did any  
2 additional research about the Province Road and  
3 whether it should be treated specially after we  
4 raised the issue?

5 A No. I think that is not accurate. We went out  
6 and looked at every single item that you  
7 included in this report that you attached to  
8 your Prefiled Testimony.

9 Q I understand you looked at it. But did anybody  
10 research it?

11 A Yes. The Project Area Form has very deep  
12 research related to Durham going back to the  
13 17th century maps and information upon which to  
14 make these decisions, and then in discussion  
15 with the Division of Historic Resources it was  
16 determined that that particular property did not  
17 need to be inventoried, not just for Section 106  
18 but for the SEC process.

19 Q Does your testimony you just referred to discuss  
20 the Province Road in any detail?

21 A The Province Road.

22 Q It's Beech Hill Road.

23 A Yes.

24 Q Later became the Province Road.

1 A Yes. As I said, it is an attachment to my  
2 testimony. I would not say it discusses Beech  
3 Hill Road specifically other than the area, it  
4 referenced Beech Hill Road, the Pendexter Farm,  
5 the Durham Farms Railroad Historic District, the  
6 Old Beech Hill Road to south and west of the  
7 Kraus parcel and its stone walls. I think  
8 that's now it was referred to in your report.  
9 So that is the area that we looked at very  
10 carefully.

11 Q Are you aware that this road went from Durham  
12 all the way to the Connecticut River? It's a  
13 State road.

14 A I believe that is part of the discussion of the  
15 context of the history of this area in the  
16 Project Area Form. I cannot say that I  
17 personally would have known that.

18 Q Thank you.

19 A No.

20 Q In your Supplemental Testimony, you say that it  
21 will be, this road would be protected if it's  
22 used as a access road by timber matting and  
23 gravel. Is this the standard way to protect a  
24 17th century road?

1 A I don't know.

2 Q I'm sorry?

3 A I don't know.

4 Q Have you investigated whether the impacts of  
5 heavy construction equipment on 17th century  
6 dirt roads can be protected by gravel or timber  
7 matting?

8 A I know that Mark Doperalski, the cultural  
9 resources person for Eversource, looked very  
10 carefully at what roads or access points were  
11 going to be used, and I'm very confident that  
12 this, all the aspects of your concerns about  
13 effects on the historic resources were taken  
14 into consideration.

15 Q My next question has to do with the Samuel Hill  
16 burial site which is recorded in our town  
17 history, the 1913 history, as has been discussed  
18 before. The quote from the town history which  
19 is on page 36 of the DHA testimony, Original  
20 Testimony, simply says on the college farm near  
21 the railroad station are land bought of John  
22 Windsor Emerson Thompson or the graves of the  
23 early Hill family. They're unmarked on the brow  
24 of the hill among the oak trees close to the

1 road.

2 Would you tell me how this was  
3 investigated?

4 A It is not an aboveground resource so my  
5 colleague Dr. Vicki Bunker have been responsible  
6 for any underground resources, and I believe in  
7 her testimony if you asked her she could discuss  
8 that.

9 Q Could you explain to me the distinction between  
10 aboveground and underground with a cemetery?

11 A Yes. Cemeteries that are considered aboveground  
12 resources also have material culture meaning  
13 they would have viewshed, they might have stone  
14 wall, they may have grave stones.

15 Q I see. So --

16 A Individual grave sites are not aboveground  
17 resources.

18 Q Excuse me. So if I understand, if it has grave  
19 stones or stone wall, it would come under your  
20 purview. Otherwise, it would be an  
21 archeological?

22 A It may. If it has qualities that would make it  
23 a significant historic property, yes. Or a  
24 property to be considered.

1 Q You mean as a property to be considered as a  
2 significant historical resource?

3 A Yes.

4 Q So you have nothing to do with this issue.

5 A Which issue, are you referring to the grave  
6 stones?

7 Q You're not involved in the evaluation of this  
8 quote from the 1913 history.

9 A No.

10 Q That would be the archeologist.

11 A Yes.

12 Q Okay. Thank you. Can you tell me how you go  
13 about researching burial sites when you do the  
14 historic research?

15 A Once again, that would be the responsibility of  
16 the archeologist.

17 Q I'm sorry?

18 A That would be the responsibility of the  
19 archeologist, and I believe her methodology is  
20 laid out and discussed in her Prefiled  
21 Testimony.

22 Q I'm not speaking about this situation with the  
23 Samuel Hill burial site. I'm talking about when  
24 they do their Area Forms. They mentioned

1 various cemeteries, and I'm wondering how they  
2 go about identifying those cemeteries.

3 A In the bibliography I know there is reference to  
4 the New Hampshire grave information repository.  
5 I may have the precise words wrong. I can look  
6 up the exact information for you. They  
7 certainly would use local histories and mapping.  
8 Aerial mapping, historic aerial mapping, that  
9 sort of thing if they are aboveground cemeteries  
10 that may have identifiers that are significant  
11 for cultural significance.

12 Q Are you saying that they use the New Hampshire  
13 Old Graveyard Association?

14 A Certainly one of the things that is in the  
15 bibliography, yes.

16 Q Do you know what the source of the material  
17 published by that association is?

18 A No. I do not.

19 Q The first Historic District that was identified  
20 by Eversource consultants was the UNH Historic  
21 District?

22 A The first Historic District --

23 Q One of the historic districts identified by the  
24 Eversource consultants is called the UNH

1 Historic District?

2 A No. During what time period? Maybe I could be  
3 more helpful.

4 (Court reporter interruption  
5 for simultaneous talking)

6 A Could you tell me during what time period.

7 Q I'm referring to their 2016 survey of the  
8 Project corridor. They identified a Historic  
9 District called the University of New Hampshire  
10 Historic District. Is that correct?

11 A If I may, no. I do not believe that's the first  
12 Historic District that was identified.

13 Q Doesn't have to be the first.

14 A Okay.

15 Q They identified a District called the UNH  
16 Historic District, correct?

17 A Yes. They did, yes.

18 Q I have a map of the district which is an exhibit  
19 provided on DHR forms by Attorney Bisbee on May  
20 27th, 2016.

21 PRESIDING OFFICER WEATHERSBY: Do you have  
22 an exhibit number for us?

23 MS. MACKIE: I don't know what it's called.  
24 I don't have a --

1 MS. DUPREY: Could you please ask  
2 questioners when they come forward from now on  
3 to be sure they have the exhibit numbers? It's  
4 really hard for us to figure this out when you  
5 guys don't have it figured out.

6 PRESIDING OFFICER WEATHERSBY: It is  
7 difficult for us to follow if we can't pull it  
8 right up. So it would be appreciated if folks  
9 could be prepared to tell us the exhibit numbers  
10 of the exhibit number they're using.

11 BY MS. MACKIE:

12 Q Is this a map of the UNH Historic District that  
13 was prepared by the consultant? It's page 74 of  
14 138 of the UNH form.

15 A Yes, I believe so. I'm almost there. Yes.  
16 Yes, it is.

17 Q Um-hum. Using Map 2 B which is the latest  
18 version of the environmental maps, can you  
19 explain why that Historic District is not coded  
20 with hatching as being a Historic District?

21 PRESIDING OFFICER WEATHERSBY: Ms. Mackie,  
22 do you have a page number for us?

23 MS. MACKIE: There's multiple pages. It's  
24 within the Map 2 B of the environmental maps. I

1 think the Historic District is quite large, as  
2 you can see. It starts --

3 PRESIDING OFFICER WEATHERSBY: Please tell  
4 us the page.

5 MS. MACKIE: Starts on panel 3. Panel 3 of  
6 the map set. It starts on map 3. That's the  
7 northern end of it, and it continues on to map  
8 panel 10.

9 MR. IACOPINO: For the Committee's  
10 edification, the New Hampshire Historic District  
11 Area Form is Applicant's Exhibit 119. It's 138  
12 pages.

13 BY MS. MACKIE:

14 Q For example, on that panel 10, the hatching on  
15 the right side of the map is for the  
16 Newmarket-Bennett Roads Historic District and  
17 it's that brown hatching that indicates it is a  
18 Historic District, but there's no hatching in  
19 the UNH Historic District, and my question is  
20 why is that.

21 A I do not know.

22 Q I'm sorry?

23 A I do not know.

24 Q Oh. Do you think that might be confusing for

1           everybody because if it's not hatched as  
2           Historic District it won't be protected as a  
3           Historic District?

4       A    No, because any areas that are directly affected  
5           would be identified on the maps if they were  
6           historic walls, and the effects to the historic  
7           resource, the UNH district and the Boston and  
8           Maine Railroad corridor have been identified,  
9           the undergrounding does not directly affect any  
10          historic resources so there would not be a need  
11          for that to be hatched.

12                 The second or there are no effects on the  
13                 Boston and Maine Railroad corridor as there are  
14                 no historic properties affected as determined by  
15                 the Division of Historic Resources for that  
16                 corridor.  So I can understand your, that  
17                 perhaps the Historic District should be  
18                 indicated on the map.  I do not know why it was  
19                 not, but I do not believe that the fact that it  
20                 is not hatched will in any way prevent the care  
21                 and protection, avoidance and mitigation of  
22                 those historic resources for the University of  
23                 New Hampshire.

24       Q    Well, isn't it standard practice to indicate the

1 areas that are Historic Districts and then from  
2 that point, starting point, consider each  
3 individual potentially impacted object or place  
4 and then, you know, make some determination as  
5 to whether or not it's impacted?

6 A I do not know what is standard practice.

7 Q I'm just asking because there are three Historic  
8 Districts in Durham identified by the  
9 consultants.

10 PRESIDING OFFICER WEATHERSBY: Ms. Mackie,  
11 be careful not to testify.

12 MS. MACKIE: What?

13 PRESIDING OFFICER WEATHERSBY: Be careful  
14 not to testify.

15 MS. MACKIE: I'm just starting the  
16 question.

17 PRESIDING OFFICER WEATHERSBY: You're  
18 telling us why you're asking the question. So  
19 skip that part and just get to the question.  
20 Thank you.

21 BY MS. MACKIE:

22 Q There are three Historic Districts in Durham,  
23 and two of them are hatched on the map and this  
24 one is left off. That's why I'm asking. And

1           you don't know why?

2           A     I do not know why. I'm sorry.

3           Q     Would you agree that it should be on the maps?

4           A     I do not know why.

5           Q     Would you agree that it should be on the maps?

6           A     I do not know.

7           Q     This is our DHA Exhibit 1, page 25. We raise  
8           the issue that we believe that the stone walls  
9           that exist on East Foss Farm and on West Foss  
10          Farm, east being on the east side of the tracks,  
11          west being on the west side of the tracks which  
12          were crossed by the tracks in 1841 are  
13          themselves as an area probably eligible for  
14          listing on the State and National Register, as  
15          illustrative of the effect the coming of the  
16          railways had on the farming community in Durham.  
17          Was any investigation done about that?

18          A     Yes. Let me share with you. You said this is  
19          the Cornet Winthrop Smith Farm, Durham Farms  
20          Railroad Historic District, Image 30 from your  
21          report. Is that accurate?

22          Q     We call it the Railroad Historic District.

23          A     Okay. It is, as we responded in our report, it  
24          is an identified archeological site. The

1 LaRoche Brook wetlands cellar hole site was  
2 recorded in the DHR site inventory by Victoria  
3 Bunker, the archeologist, as a result of Phase  
4 1-A and Phase 1-B survey efforts. The site is  
5 also located within the East Foss Farm which is  
6 now part of UNH and included in the boundary of  
7 the Historic District determined eligible for  
8 the National Register.

9 The treatment of the stone walls there is  
10 recorded in the Memorandum of Understanding  
11 between Eversource and University of UNH based  
12 on a meeting of April 19th. And the stone wall,  
13 WP-11, is one of two in UNH where Eversource  
14 will temporarily widen an existing breach to  
15 improve access and the wall will be restored to  
16 match preconstruction conditions.

17 Those are how we responded to the  
18 significance of the property and then care of  
19 the property during. Is that helpful? That  
20 information? And it is in a report that we  
21 provided to you.

22 Q My question was whether any research was done or  
23 consideration was given to declaring this subset  
24 of the UNH Historic District as a separate

1 Historic District.

2 A I cannot tell you what occurred related to it as  
3 an archeological site and the consultation  
4 between Dr. Bunker and DHR. I do not know the  
5 outcome of that because I am responsible for  
6 aboveground resources.

7 Q I'm not talking about the cellar hole. I'm  
8 talking about the aboveground evidence of past  
9 use.

10 A No. We indicated that there are historic stone  
11 walls, and they are going to be protected.

12 Q Did you consider anything outside the, I think  
13 you said the APE you used was 100 feet?

14 A That's the, that is for direct effects from the  
15 Project, yes.

16 Q Right. Did you consider anything outside the  
17 100-foot corridor?

18 A For visual effects we looked at half mile on  
19 either side of the Project.

20 Q Again, this is DHA Exhibit 1 page 30. On this  
21 map, it shows the location of the Davis-Thompson  
22 grave site which is -- I'll point to it. Right  
23 there. Davis-Thompson. Which is off the Class  
24 VI section of what's now called Foss Farm but

1 what used to be called Mill Road, South Branch,  
2 which originally went from the mill at Chesley's  
3 Mill to Packers Falls Mill, and that road dates  
4 from the 1600s.

5 And I'm wondering, again, this is the  
6 second class road that is proposed to be an  
7 access, Class VI road that's proposed to be an  
8 access road into the easement. There are not  
9 only the Class VI road here and the stone walls  
10 and the ancient maple trees. There's also the  
11 gravesite, and I'm wondering if you can tell me  
12 how the gravesite and the roads will be  
13 protected here.

14 A Yes. The gravesite if it exists there would, if  
15 it were directly affected by the Project and we  
16 do not anticipate that at all, but this or any  
17 gravesite within the direct APE would be  
18 protected through the Unanticipated Discovery  
19 Provision that's in the Memorandum of  
20 Understanding for work within the area of  
21 potential effect. And that would mean stop work  
22 within 100 feet and contacting the coroner for  
23 the state and the state archeologist, and it is  
24 very clearly delineated how that procedure would

1 take place. That is part of the Memorandum of  
2 Understanding that has been agreed upon by  
3 Eversource and the Division of Historic  
4 Resources. So for a gravesite, that's how it  
5 would be handled, whether it was this one or any  
6 other one if it were in the direct area of  
7 potential effect and unanticipated human remains  
8 were found.

9 Q Can you tell me which stone walls were included  
10 in the MOU within East Foss Farm?

11 A Yes, I can. Once again, in Exhibit 143,  
12 Attachment A, on page 7. The Davis-Thompson  
13 farm, South Branch of the Mill Road, dirt road  
14 leading off Foss Farm Road and stone walls. Is  
15 that the provision that's the part of your --

16 Q Um-hum.

17 A The historic stone walls and I'm just going to  
18 read this because it has a lot of information.  
19 Associated with the old South Branch of the Mill  
20 Road have been identified and mapped on the  
21 Project plan sheets. These stone walls in East  
22 Foss Farm are within the University of New  
23 Hampshire Historic District. Treatment of the  
24 stone walls is recorded in the Memorandum of

1           Understanding between Eversource and University  
2           of New Hampshire. The draft one. And this was  
3           done on a meeting April 19th, 2018, there will  
4           be no physical impacts to these are the stone  
5           walls numbers, WP-8B, WP-8C, WP-8D, WP-8F, or  
6           WP-8G. At WP-8E, near the cemetery, the  
7           existing breach will be used for access. Does  
8           that answer your question?

9           Q     The list that you read are the stone walls that  
10           are property boundaries; is that correct?

11          A     It does not say that, and I'm not familiar  
12           enough to tell you precisely.

13          Q     So is it accurate to say that the stone walls  
14           that aren't listed will not be protected?

15          A     I do not know that. I believe, all of the stone  
16           walls are part of the Memorandum of  
17           Understanding between UNH and Durham and  
18           Eversource that is being still worked on right  
19           now, and my understanding is that all of the  
20           stone walls would be cared for through the  
21           process. Now, I think it's really important  
22           because we've been talking a lot about stone  
23           walls here to identify that there is a slight  
24           difference in that the Memorandum of

1 Understanding --

2 PRESIDING OFFICER WEATHERSBY: Ms. Widell,  
3 I'm sorry to interrupt, but could you speak into  
4 the microphone?

5 A Yes, sorry. I've got this in front of me.

6 PRESIDING OFFICER WEATHERSBY: I want to  
7 make sure we hear.

8 A Yes, the Memorandum of Understanding includes  
9 all of the historic stone walls meaning those  
10 that are within the Historic Districts of the  
11 Durham Point Historic District, and the  
12 Newmarket and Bennett Road Historic District.  
13 There is a universe of many, many stone walls,  
14 and in the University of New Hampshire District  
15 and other areas of Durham, there are other stone  
16 walls, and those are the focus of the Memorandum  
17 of Understanding that is being completed between  
18 Durham and the University of New Hampshire and  
19 Eversource. So you have some that are part of  
20 the Memorandum of Understanding for the two  
21 Historic Districts in Durham and then you have  
22 some that are part of the Memorandum of  
23 Understanding between University of New  
24 Hampshire and the Town of Durham. That

1 memorandum has not yet been signed.

2 Q So do I understand you correctly to say that you  
3 believe that all the stone walls at East Foss  
4 Farm that will be impacted are or that exist are  
5 included in the protected walls in the  
6 Memorandum of Understanding with UNH?

7 A And the Town of Durham, yes. That is my  
8 understanding.

9 Q Thank you.

10 Now I'd like to talk about the quarrymen's  
11 granite bench. Original to this, this is our  
12 Original Testimony, page 14, and in this section  
13 of our testimony we proposed that there be a  
14 separate Historic District for the quarries in  
15 that area in Durham. It's a lot of aboveground  
16 evidence of the quarries, both split rock,  
17 drilled rock, rocks with pieces of plug and  
18 feathers still in them as well as the bench.

19 Can you tell me if there was any  
20 designation begun to creating a separate  
21 Historic District in this area?

22 A Yes. I have a note here, but it was not  
23 determined that by itself it should be a  
24 Historic District. It is part and a

1 contributing part of the Durham Point Historic  
2 District.

3 Q Can you tell me if it was surveyed outside the  
4 100-foot APE?

5 A It was, the work on it was done, completed by  
6 Victoria Bunker and a description of it is in  
7 the Effects Table for the Durham Point Historic  
8 District.

9 Q Well, the reason I'm asking is because she says  
10 that there's evidence of 1830 and later  
11 technology, and I'm wondering if anybody saw the  
12 cape chisel mark stones which are south of the  
13 section she surveyed?

14 A I do not know that.

15 Q Do you know what period of time cape chisel  
16 marks on split granite indicate?

17 A No. I do not.

18 Q Thank you. You had testified earlier that the  
19 quarrymen's granite bench that we're so  
20 concerned about was within the sensitive area  
21 delineated by Victoria Bunker, correct?

22 A Yes. I did say that.

23 Q These are the stone wall maps that were used  
24 earlier today. This is map panel 15.

1           Oh, incidentally, can you tell me why we  
2           have a separate set of stone wall and sensitive  
3           area maps in addition to the environmental set  
4           of maps?

5       A    No, but I would imagine it was to include them  
6           in the Memorandum of Understanding which they  
7           are included.

8       Q    Can you tell me when the time comes and it does  
9           to construct this Project how all these maps are  
10          going to be combined and nothing is going to get  
11          left out?

12      A    No. I can't tell you precisely because I'm not  
13          the map maker, but I do, I have seen them on the  
14          Project plan maps, the sensitive stones and the  
15          walls identified, and I have great confidence in  
16          Eversource given the amount of work that they  
17          have done to respond to the Durham Historic  
18          Association and the identification of the walls  
19          throughout the area of potential effect. I am  
20          sure that they will continue in that good vein  
21          intention of caring for the stone walls through  
22          the construction project, and they've committed  
23          to doing that in the Memorandum of  
24          Understanding.

1 Q Is there a mention of the granite quarry bench  
2 in the MOU?

3 A I can't remember.

4 Q I didn't see it. That's why I'm asking.

5 The reason I have the map up on the board  
6 here, on the right side of the corridor you can  
7 see the edge of the sensitive area that Victoria  
8 marked the quarry district with. Do you see  
9 that?

10 A Yes, I do see it.

11 Q Okay. Did you know that the quarrymen's stone  
12 bench is actually where I'm going to point right  
13 now? (Indicating.) This is outside the  
14 sensitive zone. Is that correct?

15 A It definitely appears that way.

16 Q Okay. Can you see from the coding on the map  
17 the black area?

18 A Yes.

19 Q Right here? (Indicating.)

20 A Yes.

21 Q Do you know what that indicates?

22 A I'd have to look at, it looks like it is steep  
23 slope maybe. I'm not sure. I looked at the  
24 code there.

1 Q It's right here. It means steep slope, Best  
2 Management Practices will be followed.

3 A Um-hum.

4 Q Do you know the reason it's a steep slope is  
5 because it's the edge of a big quarry cut?

6 A I have been on location so I believe that.

7 Q Um-hum. Is there any reason why the sensitive  
8 area shouldn't be extended further west to  
9 include the quarry cut and the bench?

10 A No. It should be.

11 Q Did you know that there, this is, did you know  
12 this is on Durham town land?

13 A Durham town land. No.

14 Q Did you know there's a trail that goes right  
15 through this area, public trail?

16 A I didn't see it, but it is a beautiful area, and  
17 I believe that.

18 Q Did you know that on both sides of this slice of  
19 Durham land is New Hampshire Fish & Game land?

20 A No.

21 Q With trails and public access? Okay.

22 Did you know that crossing the corridor  
23 just west of the part we just looked at is an  
24 ancient Indian trail there the colonists used to

1 go from Newmarket to Dover?

2 A No.

3 Q Can you tell me how when you come across  
4 something like an ancient Indian trail that's  
5 later used by the colonists that never became an  
6 actual road but it's a trail, how is that  
7 treated in your survey evaluations?

8 A It depends. There is a discussion of the Native  
9 American presence information in the Project  
10 Area Form. We found no evidence of precise  
11 related aboveground resources. In my  
12 experience, those properties that are  
13 significant to Native Americans are brought  
14 forward by the Native Americans themselves in a  
15 very not public way and brought to the attention  
16 usually of the state historic preservation  
17 officer or federal conservation officer or  
18 agency and identified to them in that they are  
19 identified in a way not unlike archeological  
20 sites so that information is not made available  
21 to the public and they are considered through  
22 the permitting or Section 106 process, whatever  
23 the process may be. That is my experience for  
24 those types of resources.

1 Q Can you tell me if there were any specific  
2 Indian trails mentioned in the consultant's  
3 reports for this Project?

4 A I believe there is in the Project Area Form. I  
5 would not be able to tell you precisely the  
6 names of them, but I know that there was  
7 discussion of that presence.

8 Q Again, this is map 2 B, the current  
9 environmental maps, and this is map panel number  
10 17. This is where the line going east almost  
11 reaches Durham Point Road and then heads  
12 southeast. Is this area in the Durham Point  
13 Historic District?

14 A Yes, I believe this is the area behind roughly  
15 270 Durham Point Road?

16 Q 177 Durham Point Road.

17 A 177. Thank you. Thank you for correcting me.  
18 Yes, I'm familiar with it.

19 Q In this latest version of the map we don't have  
20 the Durham Point Historic District coded either.  
21 Do you know where that might be?

22 A No. I do not.

23 Q I'd like to move on to the table of effects.

24 Sorry. I don't have the Exhibit Number. Do you

1 know what I'm talking about? Here it is. I'm  
2 sorry. It was filed by Dana Bisbee on August  
3 15th, 2017. It's called Effects Table.

4 A Yes.

5 MR. IACOPINO: Exhibit 164? Mr. Bisbee?

6 MR. BISBEE: I'm checking.

7 MR. IACOPINO: Is that the same document?

8 MR. BISBEE: I'll check.

9 Q Thank you. Can you tell me who the author of  
10 the Effects Table was?

11 A Yes, I certainly participated with it, and the  
12 Preservation Company staff, Lynn Monroe and her  
13 other staff, wrote these and submitted them to  
14 the Division of Historic Resources.

15 Q Can you explain to me what is the purpose of the  
16 Effects Table?

17 A Yes. The purpose of the Effects Table is to  
18 apply the definition of an adverse effect to the  
19 undertaking or the Project in this case to see  
20 whether directly or indirectly the Project will  
21 affect the integrity of a resource in a way that  
22 it would affect character defining features.  
23 There's actually an actual definition here, but  
24 I can tell you things like setting, materials,

1 workmanship, there's a list of 7 that I can go  
2 into. So that's the reason for it. And you  
3 apply different provisions and Section 800.5 of  
4 the effects, adverse effects to different  
5 aspects --

6 Q That's the federal code you're referring to.

7 A Yes. I am. That's where the definition of  
8 adverse effect.

9 Q Can you tell me whether you found any adverse  
10 effects for the Project in Durham?

11 A Yes.

12 Q And what were those?

13 A Two stone walls.

14 Q Anything else?

15 A Durham Point Historic District. I should make  
16 that clear rather than just Durham. And also in  
17 the Newmarket and Bennett Road Historic  
18 Districts.

19 Q What is the effect of an adverse effect if it  
20 cannot be adequately mitigated?

21 A You avoid minimize or mitigate if you can. If  
22 you can't mitigate it, then you provide some  
23 alternative means of mitigation for not being  
24 able to avoid that adverse effect.

1 Q Does the occurrence of an unmitigated adverse  
2 effect have any bearing on the listing or the  
3 eligibility of the Historic District?

4 A No, generally not, unless it's going to be  
5 demolished or destroyed or entirely lose its  
6 integrity.

7 Q I'm sorry? I can't hear you.

8 A No. Not unless it's going to be demolished or  
9 destroyed or entirely lose its integrity as a  
10 historic property that conveys significance.

11 Q Speaking about the transmission lines, in the  
12 Durham Point Historic District, is it correct  
13 that you found no adverse effect from the  
14 removal of the distribution lines and being  
15 replaced by the transmission lines?

16 A Yes.

17 Q And what factored into that evaluation?

18 A Whether the distribution lines themselves had  
19 significance to an understanding of the  
20 transmission and electricity through the town or  
21 the state. As an example would be the cable  
22 houses which were identified between Durham and  
23 Newington that those were identified as  
24 significant, that that was, that is a

1 significant historic property. Both the cable  
2 houses and the cable itself, because portions of  
3 it dated to 1902 and then 1948, but we did not  
4 find that any aboveground lines were significant  
5 to understanding the transmission of electricity  
6 from a significant time period.

7 Q So did you find that the existing distribution  
8 lines had no bearing on the district at all?  
9 They weren't contributing?

10 A Yes.

11 Q Right. And is that why you came to the  
12 conclusion that the replacement transmission  
13 lines would have no adverse effect?

14 A In this case, they would not have an adverse  
15 effect from direct destruction of the  
16 distribution lines, but it is possible to have  
17 an adverse effect visually, but we did not find  
18 an indirect or visual adverse effect from the  
19 placement of the new transmission lines within  
20 those districts.

21 Q Did your evaluation factor in that most of the  
22 Durham Historic district through which the  
23 corridor passes is publicly accessible Fish &  
24 Game land?

1 A No. That would not have bearing on the  
2 significance of the resource.

3 Q I thought you evaluated the visibility of the  
4 lines.

5 A Yes. But I think, may I, I may have  
6 misunderstood your question and I'm sorry. I  
7 thought it was related to ownership of the  
8 property.

9 Q No. I thought you said that the visibility of  
10 the lines within the Historic District has a  
11 bearing on whether or not they have an adverse  
12 effect; is that correct?

13 A Yes. Um-hum.

14 Q And I'm asking you, besides the roadway view,  
15 were you aware that the public accesses the  
16 conservation land within the corridor?

17 A Yes. We are aware of that. We are aware there  
18 is an easement by the Nature Conservancy I  
19 believe in that area that you showed me of 177  
20 Durham Point Road, yes. We were aware of that  
21 and took that into consideration.

22 PRESIDING OFFICER WEATHERSBY: Ms. Mackie?  
23 Could you tell me how much longer you have?  
24 We're about double your time estimate.

1 MS. MACKIE: I'm almost finished.

2 PRESIDING OFFICER WEATHERSBY: Almost  
3 finished?

4 MS. MACKIE: Yes. Thank you.

5 BY MS. MACKIE:

6 Q As part of your Effects Table exhibit on page 27  
7 you included some images of the transmission  
8 line that currently runs through the area of the  
9 current Durham Point Historic District. On page  
10 27 of the Durham Point Historic District section  
11 of the Effects Table.

12 A I don't have a page 27. There's up to page 15.

13 Q It's Durham Point, page 9 of the Durham Point  
14 section.

15 A Thank you very much. Yes, I have that.

16 MR. BISBEE: That is Applicant's Exhibit  
17 164 as Mr. Iacopino indicated.

18 Q Now, this photograph or image is described as  
19 Durham Point Historic District Google Earth  
20 detail showing the evidence of quarrying in the  
21 right-of-way, correct?

22 A Yes.

23 Q Can you explain why this image described as a  
24 Google Earth image contains these white lines

1 within the right-of-way? Or these gray lines?

2 A No. But I believe that they are the existing  
3 conductors from the existing transmission line.

4 MS. MACKIE: Can you get a closer view?

5 (To Ms. Monroe)

6 PRESIDING OFFICER WEATHERSBY: Just for the  
7 record this is Applicant's Exhibit 164, PDF page  
8 27.

9 MS. MACKIE: I submit that these Google  
10 Earth images have been doctored to add lines  
11 where none exist now visibly.

12 MR. NEEDLEMAN: Objection.

13 BY MS. MACKIE:

14 Q My question is are there really that many wires  
15 in this transmission corridor or distribution  
16 corridor?

17 A I do not know.

18 Q Do you know why there are all these extra lines?

19 A No.

20 Q So you don't know -- do you know how many wires  
21 there are in this corridor currently?

22 A No. I do not. I'd have to look at my materials  
23 to tell you further Project specifics.

24 Q Well, the reason I'm asking you is because I'm

1 concerned because this --

2 PRESIDING OFFICER WEATHERSBY: Ms. Mackie,  
3 be careful. You're giving testimony. Ask a  
4 question.

5 Q Okay. You said that this was sent to DHR to  
6 explain the effects of the Project, correct?

7 A Yes.

8 Q And this image shows a Google Earth, it is  
9 described as a Google Earth image, correct?

10 A Yes, it is on this document. Yes.

11 Q Can you see that lines have been drawn in on  
12 this Google image?

13 A I do not know that.

14 Q Well, does it look like what's out there?

15 A Once again, I have been out there, but I cannot  
16 tell you that.

17 Q Okay. About hundred feet down the corridor  
18 here's another image from your Effects Table.  
19 This is on page 12. And it shows the same lines  
20 coming in at Longmarsh Road, and it looks to me  
21 like there's three cables, four cables. Do you  
22 agree?

23 A Yes, I can see three clearly. Um-hum.

24 Q Does it look like there's more than three cables

1 on this image?

2 A It does.

3 Q As a hypothetical, if you were at DHR and you  
4 saw this apparently existing situation image,  
5 would you think that there was a lot of wires  
6 here already?

7 A I can't speak to this.

8 Q It's a hypothetical. Would you think that an  
9 image showing so many wires would lend someone  
10 to think well, the new transmission lines are no  
11 different, no adverse effect?

12 MR. NEEDLEMAN: Objection. Calls for  
13 speculation.

14 PRESIDING OFFICER WEATHERSBY: Sustained.

15 BY MS. MACKIE:

16 Q Am I correct in saying you do not know why this  
17 image looks like this?

18 A Yes.

19 Q Now, moving on to the last segment which is the  
20 segment that crosses the field between Durham  
21 Point Road and Little Bay, we indicated in our  
22 Original Testimony that we thought that was an  
23 important first contact site being a Native  
24 American original settlement site. Was that

1           ever considered for an additional survey to  
2           determine its significance?

3       A     Can you clarify that?  There's very large area  
4           between Durham Point Road and Little Bay.  Are  
5           you referring to --

6       Q     It's from pole number 94 to 99.

7       A     In and around Langley Road?

8       Q     No.  This is starting at Durham Point Road,  
9           crossing the field, and then going into the bay.

10      A     Okay.  I know the area.

11      Q     We'll call it the Edgerly Farm.

12      A     Oh, yes.  Okay.  Thank you.

13      Q     Was that ever considered for additional survey  
14           work?

15      A     Yes.  And I believe you know that there was  
16           additional evaluation of that archeological  
17           evaluation of that property.

18      Q     And that all took place within the 100-foot APE?

19      A     Yes.

20      Q     Did you ever consider a larger area outside the  
21           100-foot APE to evaluate for historic  
22           significance?

23      A     Not for 17th century resources because there are  
24           no aboveground 17th century resources in that

1 area.

2 Q Did anybody ever look at it to determine that?  
3 Closer to the water, for example?

4 A Resources that had been identified are 18th and  
5 19th century on the Edgerly Farm, and that  
6 information once again is in my testimony on the  
7 Exhibit A attached to, I'm sorry, Attachment A  
8 to Exhibit 143.

9 Q Were the mill pond and the mill site evaluated?

10 A Evaluated --

11 Q I mean, you said --

12 A By archeology?

13 Q No. No. By the aboveground evidence.

14 A We --

15 Q Mill Pond is aboveground.

16 PRESIDING OFFICER WEATHERSBY: Careful not  
17 to speak over each other.

18 A There is no research through the Project Area  
19 Form development and further looked at each and  
20 every area that you identified in the Durham  
21 Historic Association report. No, we found no  
22 evidence of 17th century aboveground resources  
23 in that area.

24 Q Did you consider the historic impact of the

1 lines crossing the cultural, the state cultural  
2 and scenic byway which is Newmarket Road?

3 A Newmarket Road is a contributing part of the  
4 Newmarket and Bennett Road Historic District,  
5 and it was definitely considered in our  
6 evaluation of both direct and indirect effects  
7 of the Project on that Historic District.

8 Q And you found no adverse effect; is that  
9 correct?

10 A We found no adverse visual effect on that road.  
11 Yes.

12 Q And the Durham Point crossing -- Durham Point's  
13 a scenic road also, and did you consider that in  
14 your evaluation of adverse effect?

15 A Yes. We did.

16 Q And you found?

17 A No adverse visual effect in the Durham Point  
18 Historic District.

19 Q Did you consider the view from the Bennett Road  
20 bridge north up the half-mile row of  
21 transmission lines? The view within the Bennett  
22 Road-Newmarket Road Historic District?

23 A We looked at all contributing parts of the  
24 Historic District and found no visual adverse

1 effect.

2 Q Are you aware that 66 percent, 66 percent of the  
3 transmission poles within Durham are within a  
4 designated Historic District?

5 A I do not know that.

6 Q There are three as we've discussed. And they  
7 cover, are you aware they cover two thirds of  
8 the area of the corridor in Durham?

9 A No.

10 Q Would you think that might contribute to adverse  
11 effect?

12 A No. Not necessarily.

13 Q The volume of transmission lines within Historic  
14 Districts itself does not contribute?

15 A No. Not necessarily. Volume is not one of the  
16 ways that we would determine adverse effect.

17 Q Did you consider that all of the land within the  
18 Newmarket-Bennett Road Historic District  
19 corridor except about half an acre behind the  
20 Moriarty house is public access conservation  
21 land?

22 A We considered effects to conservation land as  
23 well as private land as well as public land in  
24 our evaluation of visual adverse effects in the

1 Historic District.

2 Q My question is did you evaluate only from the  
3 road view or did you also evaluate from on the  
4 land itself within the corridor. Because it's  
5 public access.

6 A We looked at the zone of visual influence and  
7 then did viewshed modeling to determine whether  
8 there would be adverse effect. We did not go  
9 onto private land to do that, but through the  
10 use of Google View and Google Street View and  
11 photography we were able to do visual, determine  
12 visual effect on historic properties.

13 Q I'm asking about the Beaudet land north of  
14 Bennett Road which is entirely public access  
15 land. It's all conservation land. Did you go  
16 on to the corridor on that land to evaluate the  
17 effects?

18 A We, if we felt that there would be, were likely  
19 to be visual adverse effects and it was in a  
20 zone of visual influence as determined by our  
21 consultant for that discipline, we would have  
22 viewed it from that property as I just  
23 explained. Yes.

24 Q You viewed it from the Beaudet property itself

1 on the road there?

2 A I can't tell you precisely.

3 Madam Chair, if we need to continue, I need  
4 to go take a break if we're going to continue.

5 Q I'm finished. Thank you very much.

6 PRESIDING OFFICER WEATHERSBY: Thank you.  
7 Let's take a five-minute break.

8 A Thank you very much.

9 PRESIDING OFFICER WEATHERSBY: And Ms.  
10 Frink can set up. We'll have Ms. Frink's  
11 questioning, probably lunch after, but we'll see  
12 how we're doing for time.

13 (Recess taken 11:41 - 11:45 a.m.)

14 PRESIDING OFFICER WEATHERSBY: Ms. Frink.  
15 You may continue.

16 MS. FRINK: Thank you.

17 **CROSS-EXAMINATION**

18 **BY MS. FRINK:**

19 Q Good morning, Ms. Widell. My name is Helen  
20 Frink, and I'm representing the Darius Frink  
21 Farm that you see here. Would you please  
22 confirm for the record that you're familiar with  
23 the fact that the farm is located in the  
24 Newington Center Historic District and it's part

1 of the National Register listing?

2 A Yes. Good morning. Yes. I'm familiar with the  
3 Darius Frink Farm and house being a contributor  
4 to the Newington Center Historic District.

5 Q Thank you. This is Exhibit 8 and this is an  
6 Eversource-provided environmental map.

7 I'd like to look with you at the boundary  
8 of the farm which you can see marked in white  
9 and you can see to the right the Historic  
10 District marking which is orange cross-hatching.  
11 Are you able to see that?

12 A Yes.

13 Q And as you saw it in the map of Durham that was  
14 shown a bit earlier this morning, I have a  
15 question about the orange cross-hatching. When  
16 you look at this map, does the historic site  
17 demarcation extend all the way to the border of  
18 the farm?

19 A Yes, it does. It doesn't on this map but yes,  
20 it does. Your farm is entirely incorporated in  
21 the Historic District.

22 Q Yes. My question is specifically about the map.  
23 Does the map indicate that correctly?

24 A You mean the cross-hatching does not extend to

1 the boundary line.

2 Q Yes. That's the issue. Does the map appear  
3 correct to you or incorrect?

4 A The cross-hatching should extend to the boundary  
5 line.

6 Q Is this the map that you used in your work for  
7 Eversource?

8 A No. Not for the evaluation of historic  
9 properties. It is a map that is used, will be  
10 used in the field for the protection of historic  
11 resources and mitigation and care of them.

12 Q And thank you. We'll come to that just a little  
13 bit later.

14 While we have the map up, I'd like to draw  
15 your attention to the top right-hand diagram  
16 that shows structure 109, a transition tower,  
17 and you can see its location at the border of  
18 the farm. Can you see that? It's a yellow  
19 demarcation? And it's right on the sort of  
20 diagonal yellow cross-hatching. It's marked as  
21 structure F 107-109. Can you see that?

22 A Yes.

23 Q Thank you. In your Prefiled Direct Testimony of  
24 March 29th, 2007, at the bottom of page 1, you

1 wrote, and I'm going to quote this for you. If  
2 you'd like to read it yourself, you may. If you  
3 have your Prefiled Testimony?

4 A 2017?

5 Q Yes. That's correct. I'm looking for the  
6 bottom of page 1 and the top of page 2.

7 DIR. MUZZEY: Excuse me. Could we get an  
8 exhibit number on that, please?

9 A This is part of the Application. It's in the  
10 Amended Application. This is Ms. Widell's  
11 Amended Prefiled Direct Testimony.

12 MR. IACOPINO: That would be Applicant's  
13 76.

14 MS. FRINK: Thank you.

15 Q Have we located page 1?

16 A Yes.

17 Q Good. I'm looking for the bottom of page 1,  
18 lines 27 through 31. And through line 5 at the  
19 top of page 2.

20 A Yes, I have it.

21 Q Thank you. Would you please read for me?

22 A Yes. Line 27. As explained in the Application  
23 Amendment, changes to the Project design have  
24 further minimized or eliminated the effects of

1 the Project on the Newington Center Historic  
2 District ("Historic District" or "District") and  
3 the Pickering-Rowe House. The transition  
4 structure to the west will be visible within the  
5 District only by looking down the transmission  
6 right-of-way and from the public right-of way  
7 abutting Nimble Hill Road. The transition  
8 structure to the east will be located --

9 Q Excuse me. Excuse me. I don't -- I'm sorry to  
10 interrupt. That's all I need.

11 A Oh, I'm sorry.

12 Q And may I ask you please to confirm that the  
13 Pickering-Rowe House referred to there is not  
14 the same property as the Alfred Pickering farm?

15 A Yes. That's correct. Thank you.

16 Q Thank you. Okay. Now I'm looking at the  
17 language that says the transition structure to  
18 the west. Is the transition structure to the  
19 west of the Newington Center Historic District  
20 or is it within?

21 A It is within the District.

22 Q So it's actually within the Newington Center  
23 Historic District?

24 A Yes.

1 Q Thank you. Based on your considerable  
2 experience with Section 106, would the viewscape  
3 of the farm and its fields be among the  
4 characteristics that qualify it for listing in  
5 the National Register?

6 A Yes.

7 Q I'm going to move now to my Exhibit number 10.  
8 Would the introduction of the 70-foot steel  
9 tower diminish the integrity of the property  
10 setting, feeling or association?

11 A Which property?

12 Q The Frink property.

13 A No. We found it did not.

14 Q Why?

15 A Because it is pushed into the corridor about a  
16 hundred feet. It is only visible from one  
17 location along Nimble Hill Road looking down the  
18 corridor. It does not affect the great majority  
19 of the district. You are not able to see it  
20 from the historical Harvey house, from the new  
21 parsonage, from the old parsonage, from the  
22 library, cemetery, the meetinghouse, the old  
23 stone house, and I would not believe even from  
24 your house other than perhaps the small top of

1           it, but it should be about the same size as the  
2           tree cover or it would not be visible so no,  
3           visually no adverse effect.

4                     And I would say that the Division of  
5           Historic Resources as did the U.S. Army Corps of  
6           Engineers agreed in this determination as when  
7           we submitted the Effects Tables and the  
8           photosimulation which you are showing here.

9           Q       This is the photosimulation that you referred  
10           to, and here we can see the transition tower.  
11           Are you saying, would you please repeat your  
12           assessment of the visibility of the transition  
13           tower?

14           A       It is visible. Why don't I share with you the  
15           Effects Table or I can summarize it. We stated  
16           clearly in the Effects Tables as I said that  
17           were submitted to the Division of Historic  
18           Resources that it would be visible looking down  
19           the corridor from a location at Nimble Hill  
20           Road, and that is the view where it is likely to  
21           be most visible within the Historic District.

22                     I recommended also that there be some  
23           vegetation planting so it is not visible in that  
24           particular one location on Nimble Hill Road so

1           that it would not, you would see this view down  
2           the corridor.

3       Q     Where did you expect that vegetation to be  
4           planted?

5       A     Along the Nimble Hill Road.

6       Q     On town property?

7       A     I did not -- I did not state that. I just said  
8           that it was a recommendation from me to  
9           Eversource as a further minimization of the view  
10          of this Project.

11      Q     Would you expect trees to be planted in a hay  
12          field?

13      A     No. I wouldn't expect trees to be planted in a  
14          hay field, but the hay field is a contributing  
15          part of the District and its use, if we affected  
16          the use that would be a problem as well for  
17          determining effects so I would never advocate  
18          that.

19      Q     Did I hear you correctly say that the field is a  
20          contributing aspect of the Historic District?

21      A     Yes.

22      Q     I'm going to show you now some pictures of the  
23          location from the field. This is looking at it  
24          from the field. This pole as we could see from

1 the environmental map is where the transition  
2 tower will be located. I'll go through these  
3 pictures so that you can assess whether it be  
4 visible from the field.

5 PRESIDING OFFICER WEATHERSBY: Ms. Frink,  
6 for the record this is your Exhibit 28?

7 MS. FRINK: This is my Exhibit 28, thank  
8 you. And I'm simply paging through it.

9 BY MS. FRINK:

10 Q Given that the transition tower will be located  
11 where this pole is, will it be visible from the  
12 field?

13 A Yes. It will be visible from the Nimble Hill  
14 Road looking down the corridor and the field is  
15 closer than Nimble Hill Road so it would be  
16 visible looking down the corridor from the  
17 field.

18 Q And because the field contributes to the farm's  
19 historic integrity, its setting and feeling  
20 which you mentioned earlier, does that not  
21 create an adverse effect for historic purposes?

22 A No. It does not.

23 Previously we heard about the importance of  
24 open space to Newington and especially this

1 particular area in its master plan. We were  
2 shown examples of how important that is. And  
3 this actually with the removal of the  
4 distribution lines and the opening up of your  
5 field, too, as an open space, I think that  
6 really contributes to the efforts and the goals  
7 of Newington to have more open areas. So I  
8 think actually this is quite beneficial to the  
9 Newington Historic District. It was a concern  
10 that the Division of Historic Resources gave to  
11 us at the time that we even filed our  
12 Application that it was concerns about the  
13 Newington Historic District and effects on it,  
14 and from the very beginning the undergrounding  
15 of this to improve the open space of this very  
16 wonderful Historic District was important to the  
17 Project.

18 Q How does the Section 106 define adverse effect?  
19 I have some language here that I'd like to ask  
20 if you can confirm if this is pertinent.

21 A Yes. Okay.

22 Q An adverse effect is found when an undertaking  
23 may alter, directly or indirectly, any of the  
24 characteristics of the historic property that

1           qualify the property for inclusion in the  
2           National Register of Historic Places in a manner  
3           that would diminish the integrity of the  
4           property's location, design, setting, materials,  
5           workmanship, feeling, or association. Is that  
6           language familiar to you?

7           A    Yes. That is the definition of an adverse  
8           effect.

9           Q    And earlier you talked about the Newington  
10           cemetery, and did you mention there having the  
11           feeling of a Historic District?

12          A    Yes. It is definitely one of the qualities of  
13           the District. Yes.

14          Q    And if we insert a 75-foot steel monopole here,  
15           would that not diminish the integrity of the  
16           property's location, setting, feeling or  
17           association?

18          A    No. I do not believe so. As I indicated  
19           before, it will not be, I do not believe -- you  
20           can see that it's set back considerably in the  
21           corridor a hundred feet we know at least into  
22           vegetation as you have shown us from the field,  
23           the open field.

24                   Also, it will not be visible from any of

1 the contributing resources as indicated. The  
2 parsonages, the cemetery, the none of that will,  
3 it will not be visible, nor will any local  
4 distribution lines be visible. So actually the  
5 integrity of the Historic District will be  
6 improved.

7 Q Will the structure be visible from the interior  
8 of the Frink house?

9 A I don't know that.

10 Q So it may be.

11 A It may be. I believe that's unlikely, but I  
12 have not been in the interior of the Frink  
13 house.

14 Q And the house is, of course, a contributing  
15 structure within the Historic District?

16 A Yes, it is.

17 Q In the language I just quoted from Section 106,  
18 the sentence refers, and, again, I'm going to  
19 quote very briefly, integrity of the property's  
20 location, design, setting, materials,  
21 workmanship, feeling or association. What are  
22 the materials of the agricultural field, the hay  
23 field, that you've described as a contributing  
24 resource here?

1 A The materials for a farm field?

2 Q Yes.

3 A They might be plants that are used now and  
4 plants used previously. Normally that is part  
5 of a discussion of an agricultural property.  
6 The placement of the agricultural buildings  
7 themselves and existence of them which is a  
8 large variety and the difference between where  
9 the field is where you have growing materials  
10 versus the interior farm itself where it's  
11 usually just plain dirt.

12 Q Good. Plain dirt.

13 A Things like that.

14 Q Good. Um-hum.

15 A Where you have that sort of thing. So those are  
16 just from a soil perspective, but we can talk  
17 about the materials of the buildings themselves.

18 Q No, thank you. I think we're clear on the  
19 buildings themselves.

20 But you did mention the plain dirt, the  
21 soil. Could burying a concrete duct bank with  
22 transmission cables in it be considered an  
23 adverse effect if it alters the materials of the  
24 hay field?

1 A You have to describe more clearly what a  
2 concrete duct bank is in the hay field. I want  
3 to, I have to kind of correct in that this is  
4 not going in your hay field.

5 Q The concrete duct bank will be buried within  
6 beneath the surface of the field, yes.

7 A So it would not be visible, and we know that it  
8 would not affect any archeological resources.  
9 So no, it would not have an adverse effect on  
10 the Historic District.

11 Q Even though it is an alteration of the  
12 materials, the materials being plain dirt as you  
13 said.

14 A Yes.

15 Q Yes?

16 A It would not be an adverse effect because it's  
17 being buried underneath the field.

18 Q I see.

19 A Yes. Will you be able to continue to use your  
20 field for haying, that I understand, I know  
21 that's indicated in the Effects Table.

22 Q Yes.

23 A Okay.

24 Q To continue to use it. The condition of its

1 appearance during construction and  
2 postconstruction is a concern.

3 I'm going to move on now to a question  
4 about stone walls. The stone walls under  
5 consideration if I've understood correctly are  
6 within an Area of Potential Effect. Would you  
7 please define Area of Potential Effect or APE  
8 for us?

9 A Yes. There are two areas of potential effect  
10 for this Project so I'll just refer to them.

11 One is a direct area of potential effect  
12 that is 100 feet wide and that is for direct  
13 effects. That may be where there's actual  
14 physical structures going in or something that  
15 could actually physically touch historic  
16 resources either aboveground or below ground.

17 And visual, indirect adverse effect, in  
18 this case it's for visual effect is a half mile  
19 on either side of the project. And that's for  
20 indirect effects where visually not just can you  
21 see it but can you see the Project in a way that  
22 it detracts or causes an adverse effect how  
23 we've just talked about what an adverse effect  
24 is, and the kind of things you could take into

1           consideration.  Would the visual effect of  
2           seeing the Project cause that on a historic  
3           property within that half mile on either side.  
4           One mile indirect APE.

5       Q     Can you see a stone wall here?

6       A     Portions of it.  Yes.  It's a little -- yes.

7       Q     And in your Supplemental Testimony in Attachment  
8           E, page 4, you write about stone walls in  
9           Newington.  So this is July 27th of this year.  
10       Supplemental Testimony, Attachment E, and I'm  
11       looking at page 4.

12      A     Yes.  I have it.

13      Q     I'm sorry not to have the line number, but on  
14           page 4 you wrote none of the stone walls in the  
15           APE in Newington are now associated with intact  
16           historic farm properties or Historic Districts.  
17           Have I got that wording correct?

18      A     Yes.

19      Q     And so again, none of the stone walls in the APE  
20           Newington are now associated with intact  
21           historic farm properties or Historic Districts.

22      A     Yes.

23      Q     And this stone wall in fact is the boundary wall  
24           between the Frink Farm Historic District and the

1 Pickering Farm. Should it have been included?

2 A It would be included as a boundary wall whereby  
3 any changes would have to be done in  
4 consultation with the two owners as opposed to  
5 designated as a historic wall. Boundary walls  
6 could be historic walls as well.

7 Q What would qualify it as historic?

8 A Being located within a Historic District in this  
9 case.

10 Q And is it a historic wall because it marks the  
11 boundary between the Newington Center Historic  
12 District and the adjacent property?

13 A It is not historic because it delineates the  
14 boundary. It is historic as a contributor to  
15 the Newington Historic District.

16 Q And how should it be treated?

17 A The treatment for the Newington stone walls has  
18 been agreed upon between Eversource and the Town  
19 of Newington through a letter of the Town of  
20 Newington which is --

21 Q Thank you.

22 A -- attached to my, and I believe is Exhibit C?  
23 Is that correct? No. I'm sorry. Yes.  
24 Exhibit, Attachment C to my testimony. Letter

1 of July 26th to Mr. Hebert from Sandra Gagnon,  
2 the Senior Project Manager for Siting and  
3 Construction Services of Eversource.

4 Q And I understand that. But it looks to me, it  
5 seems to me that this stone wall does not appear  
6 in your inventory.

7 A The inventory that was done for the Project.

8 Q Um-hum.

9 A Those were properties that had not been  
10 identified yet. A stone wall in this case would  
11 be considered a contributor, a contributing  
12 element to a Historic District. Sometimes it's  
13 possible to find some that had been overlooked  
14 previously. But it wouldn't be, you wouldn't  
15 normally inventory an individual stone wall  
16 unless it had very great significance in and to  
17 its own right. Normally they contribute to the  
18 significance of a farm property or Historic  
19 District. So in this case, a historic stone  
20 wall within the Newington Historic District  
21 would contribute to that significance. You  
22 wouldn't inventory it separately.

23 Q I'm not sure I completely understood. I think  
24 we've established that the stone wall is a

1 contributing resource to the Newington Center  
2 Historic District. That it is a boundary wall  
3 between two intact historic farm properties.  
4 But it apparently doesn't appear in your  
5 inventory? Have I understood correctly?

6 A Yes. It would not be individually inventoried,  
7 yes, that's correct.

8 Q Even though it's within the area of potential  
9 effect? This is right across the right-of-way.

10 A Yes. Yes. Because it is within a National  
11 Register Historic District, the boundaries of  
12 which and the significance of which we already  
13 understand.

14 Q I see. Thank you very much. I'm going to move  
15 on to a bit of a different topic.

16 In your Supplemental Prefiled Testimony of  
17 July 27th, page 4, you describe the resolution  
18 of adverse effects, and you discuss DHR and the  
19 U.S. Army Corps of Engineers soliciting input  
20 from Consulting Parties in the Section 106  
21 process and other interested parties.

22 A Yes. Could you give me the reference?

23 Q Yes, I'm on page 4, I'm on page 4, and I'm  
24 looking for your description of the process of

1 resolution of adverse effects. This is July  
2 27th of this year. Supplemental Prefiled  
3 Testimony.

4 A Thank you.

5 PRESIDING OFFICER WEATHERSBY: For the  
6 record it's Applicant's Exhibit 143, page 4,  
7 which is PDF page 5.

8 A Okay. I'm on page 4 of my testimony.

9 Q And could you read the short passage about the  
10 resolution of adverse effects and soliciting  
11 input from Consulting Parties?

12 A Yes. Resolution of Adverse Effects: DHR with  
13 US Army Corps of Engineers solicited input from  
14 Consulting Parties in the Section 106 process  
15 and other interested parties on how best to  
16 address the adverse effects from the Project.  
17 In consultation with these agencies and from its  
18 own planning work, the Applicant proposed a  
19 number of measures to further avoid and minimize  
20 effects on the four historic sites that will be  
21 adverse affected. Those measures are set forth  
22 in now the signed Memorandum of Agreement within  
23 the US Army Corps of Engineers, the Division of  
24 Historic Resources and the Applicant in the

1 Section 106 process and the separate signed  
2 Memorandum of Understanding between Division of  
3 Historic Resources and the Applicant.

4 Q Thank you. I'd like to ask about your  
5 involvement in that process. You were involved  
6 if I understood correctly?

7 A Yes. I was familiar with both of the documents  
8 and certainly read them. I did not meet with  
9 the Army Corps of Engineers directly, no, or the  
10 Division of Historic Resources directly, but I  
11 was, all of the communications and information  
12 and response and information that we provided to  
13 them I was regularly involved and part of that  
14 decision making, yes.

15 Q Were there face-to-face meetings as far as you  
16 know?

17 A Yes. As far as I know, there were face-to-face  
18 meetings between Eversource personnel and the  
19 Division of Historic Resources and the Army  
20 Corps of Engineers, yes.

21 Q Did you participate in those meetings?

22 A No. I did not.

23 Q You did not. And are you aware of how  
24 Consulting Parties participated?

1 A Not directly, no, but I know that they were  
2 involved in discussions.

3 Q Have you received emails from me in the past or  
4 had telephone conversations with me?

5 A No.

6 Q And I am a Consulting Party as designated by the  
7 U.S. Army Corps of Engineers. But we have not  
8 previously communicated before today?

9 A I've met you, but we did not communicate related  
10 to the development of the Memorandum of  
11 Agreement.

12 Q So we have not emailed or telephoned or spoken  
13 before today?

14 A No, we have not.

15 Q Thank you. Given my status as a Consulting  
16 Party, would I have expected to be part of this  
17 process?

18 A This process meaning the Section 106 process?

19 Q Yes.

20 A Yes.

21 Q The Section 106 process.

22 A Yes.

23 Q But I was not.

24 A I'm not sure -- the Section 106 process, if you

1           were a Consulting Party, normally you are  
2           invited to public meetings, you are provided  
3           with drafts of documents, you are given an  
4           opportunity to sign them.

5       Q     Did you review the drafts of the Memorandum of  
6           Agreement and Memorandum of Understanding?

7       A     Yes. I have seen drafts.

8       Q     You have seen drafts?

9       A     Yes.

10      Q     Do you know who represented the Town of  
11           Newington as a Consulting Party?

12      A     No. Not right off. Not as I'm sitting here  
13           right now I cannot recall.

14      Q     And in the Memorandum of Agreement between the  
15           US Army Corps of Engineers and New Hampshire  
16           State Historic Preservation Officer, and the  
17           Applicant, that's a draft that you reviewed; did  
18           I understand that properly?

19      A     Yes.

20      Q     And my name appears as a signatory to the draft  
21           and not to the final version. So I was removed.  
22           Do you know why that was done?

23      A     No, I do not.

24      Q     Did you notice that I'd been removed?

1 A I cannot recall.

2 Q In those consultations about historic mitigation  
3 or adverse effects in Newington, were any  
4 members of the Newington Historic District  
5 Commission involved?

6 A I do not know. I would expect as a former State  
7 Historic Preservation Officer because Newington  
8 is, I believe, a certified local government that  
9 they would have provided a copy of the Draft  
10 Memorandum of Agreement to the Historic District  
11 Commission.

12 Q Do you know whether that was done or not?

13 A I do not know.

14 Q You don't know.

15 I'm going to move now to a different  
16 exhibit if you bear with me for a moment. I'm  
17 going to show a photograph here. This is Alfred  
18 Pickering Farm. Just to be clear, Alfred  
19 Pickering Farm to the west of the Darius Frink  
20 Farm. Is this Pickering house within the  
21 Newington Center Historic District?

22 A No. It is not.

23 Q Does it have historic value?

24 A Yes, it does. It has been determined eligible

1 for the National Register of Historic Places.

2 Q So it's eligible for the State and National  
3 Register of Historic Places, both state and  
4 national?

5 A Yes, it is.

6 Q But it's not listed.

7 A Yes. That's correct.

8 Q And given that it's not listed though, does it  
9 receive the same scrutiny and consideration as  
10 properties that are on those historic lists?

11 A Yes.

12 Q And will H-frame poles for the overhead line  
13 pass through this property?

14 A Yes, it will. One will be on this property.

15 Q One will be on this property. Will it be  
16 visible?

17 A We do not believe the one that's on the property  
18 will be visible, no.

19 Q Do you know for a fact?

20 A Yes. We did look at visual modeling of it, and  
21 from our visual modeling it is behind vegetation  
22 and set east of the property and will not be  
23 visible.

24 Q East of the property is the Darius Frink Farm.

1 Now I'm a bit confused.

2 A Northeast, I'm sorry. It's going to be  
3 northeast of the house as we're looking at it  
4 right now.

5 Q Thank you. In your testimony, and I'm sorry not  
6 to have the page, but you wrote about minimizing  
7 the visual impact here, and you mentioned  
8 employing certain features to minimize the  
9 visual impact. What would those certain  
10 features be?

11 A The Effects Tables in what you are referring to  
12 is the structure that is on the adjacent  
13 property which is to the west, northwest, and is  
14 we believe visible from the house and also from  
15 Little Bay Road. The minimization that we will  
16 use is an or we're using an H-frame structure,  
17 but we've also proposed vegetation on the south  
18 side of the corridor if it is permissible by the  
19 property owner which would diminish the  
20 visibility from both the Alfred Pickering House  
21 and the Little Bay Road. We've also proposed  
22 mitigation.

23 Q So will the H-Frame structures be visible from  
24 the Little Bay Road or from the house?

1 A Yes. Both places.

2 Q How tall are these structures?

3 A They are 65.5 feet high.

4 Q And you're suggesting if I've understood  
5 correctly plantings? Vegetation?

6 A Yes. On the south side but also mitigation  
7 because they will be visible, and it might not  
8 be possible to fully mitigate the visual adverse  
9 effect to this property.

10 Q And would the difficulty of mitigating the  
11 visual adverse effect be in part because this is  
12 also a property with open fields, a working  
13 farm?

14 A Well, I believe the field in front of this area  
15 has been used as a baseball field. It is now  
16 being returned to use. There may be some  
17 working fields as well. I could look for  
18 precision in the Effects Tables to tell you  
19 precisely about that. But yes, it may not be  
20 able to be fully mitigated visually so we have  
21 proposed other mitigation for that.

22 Q Would you please describe the other mitigation  
23 that's been proposed?

24 A Yes. It is not proposed, it has been accepted.

1 It is in the Memorandum of Understanding between  
2 Eversource and the Division of Historic  
3 Resources, and it is for the development of a  
4 booklet on the history of agriculture in  
5 Newington. I believe it will include about 20  
6 properties. A presentation will be made to the  
7 community at the time that it is completed, and  
8 the hundred copies will be made available in the  
9 Town of Newington for that project, for that  
10 booklet.

11 Q And again, in discussing this aspect of historic  
12 mitigation, did people from Newington  
13 participate or did the property owner Lulu  
14 Pickering whose home is going to be affected  
15 participate?

16 A I do not know if the property owner  
17 participated. I do know from information  
18 provided to me by colleagues that Eversource met  
19 with representatives of Newington and also  
20 provided this information to the Division of  
21 Historic Resources as a possible mitigation for  
22 the visual aspects of this Alfred Pickering  
23 Farm.

24 Q Would you please confirm the contents of the

1 booklet were to be about farming in Newington;  
2 is that correct?

3 A Yes. I can give you the precise description  
4 from the Memorandum of Understanding if that  
5 would be helpful.

6 Q I've seen the Memorandum of Understanding, thank  
7 you. So I am aware.

8 Are you aware that a year or two ago the  
9 New Hampshire Farm Bureau published a book on  
10 century old farms which featured both the Alfred  
11 Pickering Farm and the Darius Frink Farm? This  
12 work has already been done.

13 A No, I'm not familiar with that publication.

14 Q Did I understand also among the mitigation that  
15 there's a payment of \$5,000? Have I got that  
16 correct?

17 A No. There's no payment of \$5,000. That was in  
18 a draft for the Memorandum of Understanding for,  
19 as a proposed mitigation to pay a mason to do  
20 some repointing work on a couple of the historic  
21 properties in the Historic District owned by the  
22 Town of Newington. My understanding is that  
23 proposal was rejected and replaced with the  
24 proposal that was agreed upon and placed in the

1 Memorandum of Understanding.

2 Q So there is no monetary payment involved as a  
3 form of mitigation; is that correct?

4 A Not exactly because Eversource will pay for the  
5 booklet to be produced and published.

6 Q But that's the extent of it. Excuse me. I'm  
7 looking for some clarification. I believe I  
8 read and perhaps it was in an earlier draft a  
9 \$5,000 payment toward the restoration of  
10 Newington's old parsonage and historic  
11 meetinghouse. But that's no longer a part of  
12 it?

13 A Yes. That's correct. That is no longer going  
14 to be the mitigation that's done. It will be,  
15 it has been replaced by the development and  
16 publication, distribution of this booklet as  
17 described.

18 Q And forgive me if I'm repeating myself, but  
19 again, who in Newington has agreed to that? If  
20 the members of the Historic District or the  
21 Newington Historic Commission were not  
22 consulted, who did represent Newington there?

23 A I was not at that meeting so I cannot tell you.

24 Q Thank you. No further questions.

1           PRESIDING OFFICER WEATHERSBY: Thank you.  
2           We will break for lunch, come back at 1:30.  
3           We'll hear from Counsel for the Public and the  
4           Committee. Thank you.

5                           (Lunch recess taken at 12:29.  
6                           p.m. and concludes the **Day 10**  
7                           **Morning Session**. The hearing  
8                           continues under separate cover  
9                           in the transcript noted as **Day**  
10                           **10 Afternoon Session ONLY**.)

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**C E R T I F I C A T E**

I, Cynthia Foster, Registered Professional Reporter and Licensed Court Reporter, duly authorized to practice Shorthand Court Reporting in the State of New Hampshire, hereby certify that the foregoing pages are a true and accurate transcription of my stenographic notes of the hearing for use in the matter indicated on the title sheet, as to which a transcript was duly ordered;

I further certify that I am neither attorney nor counsel for, nor related to or employed by any of the parties to the action in which this transcript was produced, and further that I am not a relative or employee of any attorney or counsel employed in this case, nor am I financially interested in this action.

Dated at West Lebanon, New Hampshire, this 24th day of October, 2018.

\_\_\_\_\_  
Cynthia Foster, LCR